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ALASKAN BOUNDARY TRIBUNAL.

III

THE CASE OF THE UNITED STATES

BEFORE THE

TRIBUNAL CONVENED AT LONDON

UNDER THE

PROVISIONS OF THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN CONCLUDED JANUARY 24, 1903.

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THE CASE OF THE UNITED STATES.

INTRODUCTORY STATEMENT.

The United States and Great Britain entered into a convention at Washington on January 24, 1903, whereby they created a tribunal to consider and decide certain questions as to the delimitation of the boundary line between the Territory of Alaska and the British Possessions in North America, which had been the subject of controversy between the high contracting parties since 1898.

The third and fourth articles of the convention provide as follows:

ARTICLE III.

It is agreed by the high contracting parties that the tribunal shall consider in the settlement of the questions submitted to its decision the Treaties respectively concluded between His Britannic Majesty and the Emperor of All the Russias under date of 28/16 February, A. D. 1825, and between the United States of America and the Emperor of All the Russias concluded under date of March 30/18, A. D. 1867; and particularly the Articles III, IV, V, of the first-mentioned treaty, which in the original text are word for word as follows:

"La ligne de démarcation entre les possessions des hautes parties contractantes sur la côte du continent et les iles de l'Amérique Nord-Ouest, sera tracée ainsi qu'il suit:

"A partir du point le plus méridional de l'Ile dite *Prince of Wales*, lequel point se trouve sous la parallèle du 54me degré 40 minutes de latitude Nord, et entre le 131me et 133me degré de longitude Ouest (Méridien de Greenwich), la dite ligne remontera au Nord le long de la passe dite *Portland Channel*, jusqu'au point de la terre ferme où elle atteint le 56me degré latitude Nord; de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la côte, jusqu'au point d'intersection du 131me degré de longitude Ouest (même Méridien), et finalement, du dit point d'intersection, la même ligne méridienne du 141me degré formera, dans son prolongement jusqu'à la Mer Glaciale, la limite entre les possessions russes et britanniques sur le continent de l'Amérique Nord-Ouest."

IV.

"Il est entendu, par rapport à la ligne de démarcation déterminée dans l'article précédent;

"1. Que l'île dite *Prince of Wales* appartiendra toute entière à la Russie.

"2. Que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la côte depuis le 56me degré de latitude nord au point d'intersection du 141me degré de longitude ouest, se trouveroit à la distance de plus de dix lieues marines de l'océan, la limite entre les Possessions Britanniques et la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie, sera formée par une ligne paralèle aux sinuosités de la côte, et qui ne pourra jamais en être éloignée que de dix lieues marines."

V.

"Il est convenu, en outre, que nul établissement ne sera formé par l'une des deux Parties dans les limites que les deux Articles précédens assignent aux possessions de l'autre. En conséquence, les sujets britanniques ne formeront aucun établissement soit sur la côte, soit sur la lisière de terre ferme comprise dans les limites des possessions russes, telles qu'elles sont désignées dans les deux Articles précédens; et, de même, nul établissement ne sera formé par des sujets russes au-delà des dites limites."

The tribunal shall also take into consideration any action of the several governments or of their respective representatives preliminary or subsequent to the conclusion of said treaties, so far as the same tends to show the original and effective understanding of the parties in respect to the limits of their several territorial jurisdictions under and by virtue of the provisions of said treaties.

ARTICLE IV.

Referring to Articles III, IV, and V of the said treaty of 1825 the said tribunal shall answer and decide the following questions:

1. What is intended as the point of commencement of the line?

2. What channel is the Portland Channel?

3. What course should the line take from the point of commencement to the entrance to Portland Channel?

4. To what point on the 56th parallel is the line to be drawn from the head of the Portland Channel, and what course should it follow between these points?

5. In extending the line of demarcation northward from said point on the parallel of the 56th degree of north latitude, following the crest of the mountains situated parallel to the coast until its intersection with the 141st degree of longitude west of Greenwich, subject to the condition that if such line should anywhere exceed the distance of ten marine leagues from the ocean then the boundary between the British and the Russian territory should be formed by a line parallel to the sinuosities of the coast and distant therefrom not more than ten marine leagues, was it the intention and meaning of said convention of 1825 that there should remain in the exclusive possession of Russia a continuous fringe or strip of coast on the mainland, not exceeding ten marine leagues in width, separating the British Pos-

sessions from the bays, ports, inlets, havens, and waters of the ocean, and extending from the said point on the 56th degree of latitude north to a point where such line of demarcation should intersect the 141st degree of longitude west of the meridian of Greenwich?

6. If the foregoing question should be answered in the negative, and in the event of the summit of such mountains proving to be in places more than ten marine leagues from the coast, should the width of the lisière which was to belong to Russia be measured (1) from the mainland coast of the ocean, strictly so-called, along a line perpendicular thereto, or (2) was it the intention and meaning of the said convention that where the mainland coast is indented by deep inlets, forming part of the territorial waters of Russia, the width of the lisière was to be measured (a) from the line of the general direction of the mainland coast, or (b) from the line separating the waters of the ocean from the territorial waters of Russia, or (c) from the heads of the aforesaid inlets?

7. What, if any exist, are the mountains referred to as situated parallel to the coast, which mountains, when within ten marine leagues from the coast, are declared to form the eastern boundary?

The United States herewith submits to the Tribunal the printed Case, provided for by Article II of the convention, together with the documents, the official correspondence, and other evidence upon which it relies. But it specifically reserves the right to present hereafter to the Tribunal such other evidence as it may properly do under the provisions of Article II, either obtained from Great Britain upon demand or in pursuance of any notice given of its intended introduction by reference thereto in the printed Case.

The printed Case will consider and treat the subject of the controversy as follows: (1) The historical facts concerning the Northwest Coast of America prior to 1821, which led up to the controversy of Russia with the United States and Great Britain; (2) the diplomatic negotiations between the three nations, which culminated in the treaties of 1824 and of 1825; (3) the results of the negotiations; (4) the negotiations between the United States and Russia following the expiration of the reciprocal trade privilege granted by the treaty of 1824; (5) the occupation of the territory by Russia up to the year 1867; (6) the cession of Alaska to the United States in 1867, and the universally accepted interpretation of the treaty provisions delimiting the boundary prior to and at the time of the cession; and (7) the complete, continuous, and undisturbed occupation of the territory by the United States since the cession from Russia.

The printed Case is accompanied by an Appendix containing the historical, geographical, and topographical evidence in support of the

statements made in the printed Case, and also by an Atlas of maps and charts in evidence and as explanatory of facts set forth on behalf of the United States.

THE NORTHWEST COAST OF AMERICA.

The Northwest Coast of America, extending from the Strait of Juan de Fuca northward to the sixtieth parallel of north latitude, was the last seaboard of the continent to be occupied by Americans and Europeans. Its remoteness from the Atlantic ports and the difficulty of access to it by land made this region but little known to the world before the close of the eighteenth century.

While England, France, and Spain had been planting colonies on the eastern side of the continent and were gradually extending their settlements westward, Russia had pushed her way eastward across Siberia and reached the shores of the Pacific. Under the energetic rule of Peter the Great the exploration of the North Pacific was planned, but was not actually undertaken until after his death. In 1728 Vitus Bering,[a] in command of an expedition fitted out by the Imperial Government, discovered the strait between America and Asia, and reached the continent of North America in latitude 65° north. Thirteen years later this navigator made a second voyage in which he again sighted the continental shore. He explored the Aleutian chain and discovered the Commander Islands, upon one of which he was shipwrecked and died.[b]

Numerous Russian traders and adventurers, induced by the opportunities offered of obtaining furs for the Chinese market at Kiakta,[c] made voyages into the regions visited by Bering, and by 1778, when Capt. James Cook entered Bering Sea, the Russians were firmly estab-

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[a] In the spelling of proper names the Report of the United States Board of Geographic Names (Washington, 1901) and the Geographic Dictionary of Alaska, by Marcus Baker, (issued as Bulletin No. 187 of the United States Geological Survey, 1902) are followed.

[b] Burney's History of Northeastern Voyages of Discovery and of the Early Eastern Navigations of the Russians, London, 1819, pp. 130, 176, 183; Greenhow's Memoir on the Northwest Coast of America, in Senate Doc. 174, Twenty-sixth Congress, first session, p. 82.

[c] Coxe's Russian Discoveries between Asia and America (4th ed.), London, 1804, p. 466.

lished throughout the Aleutian Islands.[a] In 1781 Gregory Shelikof, of Rylsk, and other Siberian merchants, who had been engaged in the fur trade in eastern Asia, formed an association, and two years later three vessels were fitted out by them, which, under the command of Shelikof, traversed the Pacific to the peninsula of Alaska. The following year this navigator erected a factory on Kadiak Island.[b] With this station as a base he sent out expeditions to explore the neighboring continent and establish trading posts at convenient points.[c]

Having continued his explorations for five years, and on his return to Siberia having received a medal and portrait from Catherine II in recognition of his services, Shelikof organized, in 1790, at Irkutsk, the Shelikof Company, which under imperial patronage secured a partial monopoly of the American fur trade.[d] Delareff, who had been with the head of the company during his cruises, was made chief director, and Alexander Baranof was chosen to conduct the factories at Kadiak and Cooks Inlet. Two years later the latter became the manager of the company.[e]

Meanwhile, independent traders had extended their operations to the continent, and the competition was working disaster to the Irkutsk Company, which had also suffered by the death of Shelikof.[f] The most powerful of these rivals were persuaded to unite their interests with the older association in 1798, under the name of "The Shelikof United Trading Company," but new competitors sprang up and continued to demoralize the trade.[g] The unfavorable conditions induced the United Company to attempt to secure an imperial grant of exclusive trade privileges in America and the Aleutian Islands.[h] As a result of its efforts, there was promulgated on July 8, 1799, an imperial ukase, which organized the "Russian American Company,"

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[a] Voyage to the Pacific Ocean under the direction of Captain Cook and Others, London, 1784, Vol. III, pp. 359–383.

[b] Coxe, p. 207 et seq.

[c] Coxe, pp. 269–292: Appendix, p. 251. (All references to "Appendix" are to the Appendix accompanying this Case unless otherwise stated.)

[d] Alaska and Its Resources, William H. Dall, Boston, 1870, pp. 309, 311.

[e] Dall., pp. 312, 314.

[f] Historical Review of the Development of the Russian American Company, and of Its Operations up to the Present Time, P. Tikhmenief, St. Petersburg, 1861, Vol. I, p. 61; Appendix, p. 253.

[g] Dall., p. 317.

[h] Dall, p. 318.

and granted to it, for the term of twenty years, a monopoly of the trade and the exclusive occupation of that part of the American coast north of the 55th degree of north latitude, besides the Russian islands on both sides of the Pacific Ocean and Bering Sea, the right to make discoveries, and to occupy new lands as Russian possessions on either side of the 55th parallel, not previously occupied by any other nation, and the authority to administer, fortify, and defend its colonies.[a]

The ukase of 1799 created a colonial system similar in its essential features to that established in North America under the charter of the Hudson's Bay Company and in India by the East India Company. The Russian American Company became the representative of the monarch within the regions named in the ukase, possessing the sovereignty by delegation and exercising all the functions of governmental authority.

The office of the company, originally at Irkutsk, was soon transferred to St. Petersburg, where members of the imperial family became shareholders in the enterprise, insuring continuance of the favor and aid of the crown.[b] At the head of the colonial government was placed Baranof, the energetic director of the Shelikof Company, who "maintained for twenty years an absolute despotic sway over the colonies."[c]

In the same year in which the ukase was granted, Baranof proceeded to Norfolk Sound (now known as Sitka Sound), where he erected a fortified post, which was subsequently captured by the natives, who massacred the garrison. In 1804 another fort was constructed under Baranof's direction, a short distance from the site of the one destroyed, which was named Fort Archangel Michael, the factory being called New Archangel.[d] From this new establishment the Russian American Company's traders were able to extend their operations through the archipelago lying southward of the 60th parallel of latitude, and along the continental shores opposite.

While the ukase of 1799 accomplished its purpose in preventing the interference of other Russian traders with the monopoly granted to the chartered company, it was ineffectual in keeping the trading

[a] Appendix, p. 23.
[b] Dall, p. 320.
[c] Dall, p. 319.
[d] Dall, p. 322; Appendix, p. 62.

vessels of the United States from frequenting the islands and inland waters along the Northwest Coast and from trading with the natives. The American traders conveyed their cargoes of furs to Canton, where they disposed of them at large profits.[a] The returns were such as to induce other merchants of the United States to engage in the industry, and from 1790 the number of vessels constantly increased.[b]

These independent traders unquestionably impaired the value of the Russian American Company's monopoly as they secured a considerable proportion of the skins sold by the natives. They were further favored in this competition by the advantage of being permitted by the Chinese authorities to dispose of their furs at Canton, which possessed direct communication with the sea, and which was closed to the Russians. Attempts by the latter to open trade with that port had been made, but were futile.[c] As a result, the Russian American Company was forced to transport their furs by ship to the Siberian coast and thence hundreds of miles overland to the border town of Kiakta. Under such conditions the American traders secured a decided advantage over their competitors.

Baranof, however, instead of incurring the enmity of his rivals, endeavored to turn their facilities for trade with China to account by employing them to carry the company's furs to Canton and sell them on commission. While the company thus found it profitable to preserve amicable relations with the Americans, the latter were, nevertheless, a source of annoyance to the chief director through using firearms and ammunition as articles of barter with the natives. The increase in this traffic finally caused Russia, through its representative at Washington, to call the attention of the United States Government to the course pursued by its traders. In 1808 the Russian chargé d'affaires was directed by the Minister of Foreign Affairs to express "the hope that this *illicit* traffic" would meet with the disapprobation of the American Government, and that rigid orders would put a stop to it.[d]

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[a] A Statistical View, etc., of the United States, Thomas Pitkin, New York, 1817, p. 249; A Narrative of Voyages, A. Delano, Boston, 1817, p. 306.

[b] Appendix, p. 61.

[c] Voyage Round the World in the Years 1803–1806, A. J. von Krusenstern, London, 1813, Vol. II, p. 341; Appendix, p. 64.

[d] Appendix, p. 63.

Conditions not improving, M. Daschkoff, the Russian chargé, in 1810 renewed the representations formally made, and suggested that the United States Government prohibit, by statute or treaty, its citizens from trading with the natives on the Northwest Coast, confining their intercourse to the Russian factories. The negotiation, however, was postponed because M. Daschkoff was not empowered to fix a boundary within which such a law should operate.[a] Late in the same year Count Rezanoff approached Mr. Adams, the American minister at St. Petersburg, upon the subject. He explained to Mr. Adams the disadvantages under which the Russian American Company labored in being debarred from the Canton market, and that it was the desire to carry on the trade by the intervention of American ships, but that on account of the ferocity of the savages along the Northwest Coast the trade in firearms and ammunition ought to be made contraband. Mr. Adams raised the same question of territorial limits to the proposal as had been done at Washington, and the Russian Minister of Foreign Affairs being unwilling to discuss that phase of the subject, the negotiations closed without result.[b]

Having failed to secure the remedy of the evil through diplomatic channels, Baranof entered into an agreement with John Jacob Astor, who had established a trading post at the mouth of the Columbia River, to furnish the Russian American Company with supplies at fixed charges to be paid in furs, to transport the company's furs to Canton and dispose of them on commission, to act jointly against smugglers, and to prevent the sale of firearms and intoxicants to the natives. This agreement in October, 1811, received the imperial approval of Alexander I, but the second war between the United States and Great Britain prevented its being put in operation.[c]

The state of affairs thus remained unchanged. The Russian American Company continued to prosecute its trade, and, after the interruption caused by the war with Great Britain, American vessels renewed their operations on the coast. In 1817 Baranof resigned the office of chief director and in April, 1819, died on his homeward voyage.[d]

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[a] Appendix, p. 63.
[b] Appendix, p. 64
[c] Dall, p. 327.
[d] Dall, pp. 330, 331.

THE UKASE OF SEPTEMBER 4/16, 1821.

As the time for the expiration of the charter of the Russian American Company approached, its affairs became a matter of governmental concern, reforms in the management were instituted and plans were formulated to increase the prosperity of the colony and to secure the company in its monopoly of the trade.[a] The chief cause affecting the trade and intercourse with the natives was the continued presence of the American trading ships, and to prevent this for the future[b] the Emperor of Russia issued, on September 4/16, 1821, the following ukase, which was proclaimed by the Directing Senate three days later:

EDICT OF HIS IMPERIAL MAJESTY, AUTOCRAT OF ALL THE RUSSIAS.

The directing Senate maketh known unto all men:

Whereas in an edict of His Imperial Majesty issued to the directing Senate on the 4th day of September, and signed by His Majesty's own hand, it is thus expressed:

"Observing, from Reports submitted to us, that the trade of our subjects on the Aleutian Islands and on the northwest coast of America, appertaining unto Russia, is subject, because of secret and illicit traffic, to oppression and impediments; and finding that the principal cause of these difficulties is the want of rules establishing the boundaries for navigation along these coasts, and the order of naval communication, as well in these places as on the whole of the eastern coast of Siberia and the Kurile Islands, we have deemed it necessary to determine these communications by specific Regulations, which are hereto attached.

In forwarding these Regulations to the directing Senate, we command that the same be published for universal information, and that the proper measures be taken to carry them into execution.

(Signed) Count D. GURIEFF,
Minister of Finances.

It is therefore decreed by the directing Senate that His Imperial Majesty's Edict be published for the information of all men, and that the same be obeyed by all whom it may concern.

[The original is signed by the directing Senate.]

Printed at St. Petersburgh. In the Senate, the 7th September, 1821.

[On the original is written, in the handwriting of His Imperial Majesty, thus:]

Be it accordingly.

(Signed) ALEXANDER.

KAMENNOY OSTROFF, *September 4, 1821.*

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[a] Dall, pp. 331, 332.

[b] Appendix, pp. 38, 101.

RULES ESTABLISHED FOR THE LIMITS OF NAVIGATION AND ORDER OF COMMUNICATION ALONG THE COAST OF THE EASTERN SIBERIA, THE NORTHWEST COAST OF AMERICA, AND THE ALEUTIAN, KURILE, AND OTHER ISLANDS.

§ 1. The pursuits of commerce, whaling, and fishery, and of all other industry on all islands, posts, and gulfs, including the whole of the northwest coast of America, beginning from Behring Straits to the 51° of northern latitude, also from the Aleutian Islands to the eastern coast of Siberia, as well as along the Kurile Islands from Behring Straits to the south cape of the Island of Urup, viz, to the 45° 50′ north latitude, is exclusively granted to Russian subjects.

§ 2. It is therefore prohibited to all foreign vessels not only to land on the coasts and islands belonging to Russia as stated above, but also, to approach them within less than 100 Italian miles. The transgressor's vessel is subject to confiscation along with the whole cargo.

§ 3. An exception to this rule is to be made in favour of vessels carried thither by heavy gales, or real want of provisions, and unable to make any other shore but such as belongs to Russia; in these cases they are obliged to produce convincing proofs of actual reason for such an exception. Ships of friendly Governments, merely on discoveries, are likewise exempt from the foregoing Rule 2. In this case, however, they must be previously provided with passports from the Russian Minister of the Navy.

§ 4. Foreign merchant-ships which, for reasons stated in the foregoing rule, touch at any of the above-mentioned coasts, are obliged to endeavour to choose a place where Russians are settled, and to act as hereafter stated.

* * * * * * *

§ 12. It is prohibited to these foreign ships to receive on board, without special permission of the Commanders, any of the people in the service of the Company, or of the foreigners living in the Company's Settlements. Ships proved to have the intention of carrying off any person belonging to the Colony shall be seized.

§ 13. Every purchase, sale, or barter is prohibited betwixt a foreign merchant-ship and people in the service of the Company. This prohibition extends equally to those who are on shore and to those employed in the Company's ships. Any ship acting against this rule shall pay five times the value of the articles, stores, or goods constituting this prohibited traffic.

§ 14. It is likewise interdicted to foreign ships to carry on any traffic or barter with the natives of the islands, and of the northwest coast of America, in the whole extent here above mentioned. A ship convicted of this trade shall be confiscated.

* * * * * * *

COUNT D. GURIEFF,
Minister of Finance.

On September 13 25, 1821, another imperial ukase was issued continuing the privileges of the Russian American Company for twenty years, and renewing its monopoly of the fur trade and fisheries "to the exclusion of all other Russians and of the subjects of foreign

States" in the regions named in the incorporating ukase of 1799, except that the southern limit on the American coast was extended from the 55th parallel southward to "the northern point of the Island of Vancouver, under 51° north latitude."[a]

Mr. Henry Middleton and Sir Charles Bagot, the ministers, respectively, of the United States and Great Britain at St. Peterburg, on the same day (September 21 October 3) wrote their governments of the promulgation of the ukase of September 4.[b] It would appear from their dispatches being of the same date and from the further fact that Mr. Middleton inclosed to the Department of State a Russian map with French notes similar to the one which Sir Charles Bagot forwarded to the British foreign office on November 17, 1821, with substantially the same annotations,[c] that the two ministers had conferred together as to the nature and effect of the ukase and had come to a mutual understanding as to the importance of immediately notifying their governments of its issuance.

THE NEGOTIATIONS OF 1822 AND 1823.

The ukase was officially communicated to the governments of the United States and Great Britain by the Russian ministers at Washington and London. The note of Baron de Nicolay to the Marquis of Londonderry bears date October 31 November 12, 1821,[d] and that of M. de Poletica to Secretary Adams, January 30 February 11, 1822.[e] The purpose of these communications was to inform the two governments of the date after which vessels clearing from American or British ports would be presumed to be cognizant of the regulations accompanying the ukase, and, therefore, liable to their provisions.

The note to the British Secretary of State for Foreign Affairs discussed the rights of Russia in the North Pacific Ocean and Bering Sea and declared that the ukase was issued to secure the Russian American Company from the invasion of its privileges by foreigners who "have not only as an object a fraudulent trade in furs and other articles exclusively reserved to the Russian American Company," but who "furnish arms and ammunition to the natives in the Russian Pos-

[a] Appendix, pp. 26, 27.

[b] Appendix, pp. 31, 101.

[c] Appendix, pp. 31, 101. Map No. 6 in Atlas accompanying this Case.

[d] Appendix, p. 95

[e] Appendix, p. 31.

sessions of America," thus exciting them to resist the authorities.[a] The Russian minister further added that it was not the intention to prohibit foreign vessels from navigating the seas along the Russian possessions, but only to insure to the Russian American Company the enjoyment of its charter rights. The language used in this note is substantially the same as that of a dispatch from Count Nesselrode, the Russian Minister of Foreign Affairs, to Count Lieven, written October 7 19,[b] and, therefore, expressed the views of the Imperial Government.

The unusual assertion by the ukase of sovereignty over waters within 100 miles of the Russian coasts was repugnant to the British idea of international right and subversive of the commercial interests of British subjects, although at the time there was substantially no trade by British ships with the Northwest Coast or through the seas adjacent. The opinion of the law officers of the Crown was sought, and they declared the Russian pretension contrary to the laws of nations.[c] Information was also secured from those interested in the whale fisheries,[d] the only line of British industry which might possibly be affected by the enforcement of the ukase.

Meanwhile Sir Charles Bagot communicated to the Foreign Office the substance of a conversation, which he had held with Count Nesselrode in the early part of November, in which the Russian minister had informed him "that the object of the measure was to prevent the 'commerce interlope' of the citizens of the United States, who were not only in the habit of resorting to the Russian coasts and islands in the Pacific, for the purpose of interfering in their trade with China in the lucrative article of sea-otter skins, but were also in the constant practice of introducing prohibited articles, and especially gunpowder, into the Russian dominions in that quarter," and that the American Government, upon receiving representations as to the character of the trade, had indicated that it would not oppose such measures as Russia found necessary for the suppression oft he traffic.[e] Undoubtedly the knowledge of the real intent of the ukase, as reported by the British minister at St. Petersburg, influenced his government in not promptly

[a] Appendix, p. 96.
[b] Appendix, p. 99.
[c] Appendix, p. 102.
[d] Appendix, pp. 103, 104.
[e] Appendix, p. 101.

and vigorously protesting against the imperial edict. However, the claim of maritime sovereignty, so at variance with the usual practice of nations, could not be ignored or admitted by Great Britain, and January 18, 1822, two months and a half after being officially notified, the Marquis of Londonderry addressed a note to the Russian minister mildly protesting against the assertion of sovereignty over 100 miles of sea contiguous to the coasts, and incidentally reserving to His Britannic Majesty the right to question the territorial claims of Russia on the American continent.[a]

The official notification of the ukase, which had been forwarded by special messenger from St. Petersburg,[b] was not handed to Secretary Adams until February 11, 1822.[c] Before replying to it he had an interview with the British minister, Mr. Stratford Canning, as to the course which would probably be adopted by Great Britain. Mr. Canning, in reporting the conversation to the Foreign Office stated that Mr. Adams gave him to understand "that it was not the intention of the American Cabinet to admit the claim thus notified on the part of Russia." He added that Mr. Adams's "objection appears to lie more particularly against the exclusion of foreign vessels to so great a distance from the shore."[d] On February 25, 1822, Mr. Adams addressed a note to the Russian minister in the nature of a protest against the maritime and territorial rights asserted in the ukase, and asked if he was empowered to give explanations of the grounds upon which they were based.[e] The communication of the Secretary of State initiated a discussion extending until April 2, 1822, during which time several notes were exchanged. The limit of maritime jurisdiction and the territorial rights accruing from discovery and occupation were discussed *in extenso* without result.[f]

The correspondence, however, discloses the fact that the aim of each Government was the preservation of the rights of trade to its citizens or subjects on the Northwest Coast. Mr. Adams's arguments were advanced for the purpose of establishing the right of the independent American fur traders to the unrestricted intercourse which they then enjoyed with the natives of the shores claimed by Russia. To main-

[a] Appendix, p. 104.
[b] Appendix, p. 101.
[c] Appendix, p. 31.
[d] Appendix, p. 106.
[e] Appendix, p. 32.
[f] Appendix, pp. 32–38.

tain this position it was necessary for him to deny the sovereignty of Russia over those regions. M. de Poletica, on the other hand, in order to preserve to the Russian American Company its monopoly to the exclusion of all others, argued that Russia was invested with sovereign rights over the coasts and islands under discussion. The assertion of maritime jurisdiction in the ukase necessarily rested upon the territorial dominion of Russia. Thus the question of territory became an important factor in the discussion, if the Imperial Government did not withdraw its unusual claim of authority over the seas contiguous to its possessions.

M. de Poletica returned to Russia in May, 1822, bearing with him a letter from the Secretary of State to Mr. Middleton, dated the 13th of that month, in which the negotiations were transferred to St. Petersburg and the American minister was instructed to "make it most distinctly to be understood that the United States can not for a moment acquiesce" in the provisions of the ukase, nor admit that it "can in any manner impair their rights, or those of their citizens."[a]

The protests of the United States and Great Britain were communicated to the Imperial Government by the Russian ministers at Washington and London, and in order to avoid the consequences which their strict enforcement seemed to promise, orders were given in July, 1822, to the naval vessels detailed to carry out the regulations of the ukase, which limited their application to the waters generally recognized by other powers as territorial.[b]

Mr. Middleton had, upon the receipt of Mr. Adams's instructions, prepared a note verbale, which he intended to submit to Count Nesselrode, but in an interview with Count Capodistrias the latter advised him not to present it, stating that "the Emperor has already had the good sense to see that this affair should not be pushed too far. We are disposed not to follow it up." He added that Russian war ships would be instructed to confine their operations to the usual limit of sea recognized as territorial by other nations, and that by this course the negotiations, which Baron de Tuyll, the newly appointed minister to Washington, might commence, would not be embarrassed.[c]

Mr. Middleton was convinced of the wisdom of this suggestion, and in an interview with Count Nesselrode on July 27 he refrained from

[a] Appendix, p. 39. [b] Appendix, p. 40.

[c] Appendix, p. 43 (foot note).

presenting the note which he had prepared. He stated to the Minister of Foreign Affairs that the United States insisted upon the suspension of the execution of the regulations, and declared "that the territorial pretension advanced by Russia must be considered as entirely inadmissible by the United States until the conflicting claims" were settled by treaty. Count Nesselrode assured him verbally that the wish of his government would be complied with, and that it was the intention to furnish Baron de Tuyll with full powers to adjust the questions regarding trade and territory on the Northwest Coast.[a] Thus the negotiations between the United States and Russia were retransferred to Washington, causing a considerable lapse of time before the discussion was again renewed.

The Duke of Wellington, having been commissioned to represent His Britainic Majesty in the Congress of the powers at Verona, was, among other subjects, directed to discuss with the Russian plenipotentiaries the question raised by the ukase. He interviewed Count Lieven on September 10, and was informed verbally of the modification of the ukase; but verbal assurances did not meet the views of the British Government. The ukase was a written and published assertion of a right, and Great Britain required an equally formal renunciation of this claim.[b] Thus, while the immediate danger of seizure and confiscation of vessels approaching the Northwest Coast had been avoided by the course of Russia in limiting the enforcement of the ukase, the controversy was still far from being settled. Wellington received further information on the subject, and the position of the British Government was fully stated to him in a note from Mr. Canning, dated September 27, 1822.[c]

But, since the correspondence following the protest of Great Britain in January, 1822, the attention of the London Government had been directed to another British interest which might be affected by admit ting all the territorial claims of Russia to the northwestern portion of the continent of North America. This was the fur trade of the Hudson's Bay Company.

The company had been granted by Charles II in 1670 a charter, by which its members were given title to all territories watered by streams flowing into Hudson Bay, together with the mines, fisheries,

[a] Appendix, p. 43.

[b] Appendix, p. 108.

[c] Appendix, p. 110.

and exclusive right to trade, not only with the native inhabitants of this great drainage basin, but "to and with all other nations inhabiting any of the coasts adjacent to said territories * * * not already possessed by any other Christian Prince or State." The powers conferred upon the company in the regions thus granted to it were governmental in character. It was given legislative and executive authority together with judicial powers in both civil and criminal cases. The company selected its governors and other executive officers, and its managing committee passed laws for the territory and appointed judges to impose the penalties fixed for their violation.[a] It also had power to organize and maintain military and naval forces and to make war and peace with "any prince or people whatsoever, not Christian;" to erect forts and castles; and to confiscate property. In a word, it was the government in the regions granted to it. As Greenhow says, "It will be seen that the Hudson's Bay Company possessed, by its Charter, almost sovereign powers over the vast portion of America drained by streams entering Hudson Bay."[b]

For a century the company exercised its almost supreme authority undisturbed, except for the futile attempts of the French in Canada to destroy the station on the shores of Hudson Bay, from which the company shipped its furs to Europe. Its traders extended their operations westward into the wilderness and secured the authority of the company by the erection of forts and trading posts. With the conquest of Canada and the influx of settlers into the upper province, the French voyageurs, who had carried on an extensive trade in furs under the French régime, were forced west and north until they came in direct competition with the agents of the Hudson's Bay Company. The Canadian traders, acting generally as individuals, sold their furs in Montreal, where several Scotch merchants had settled after the conquest and engaged in the industry.[c]

In 1783–84 the Montreal firms combined, forming the North-West Company, which for nearly forty years competed with the Hudson's Bay Company both in the fur country and in the fur market at Leipzig.[d] The new company exhibited the greater energy and enterprise, their factors and traders pressing westward across the Rocky

[a] The Great Company, Beckles Willson, Toronto, 1899, p. 515.

[b] Greenhow's Oregon, *Proofs and Illustrations*, Vol. I, p. 456.

[c] The Great Company, p. 315.

[d] Ibid, pp. 328, 348.

Mountains and down the Columbia, where they came in contact with the Americans at Astoria.[a] Others invaded the territories occupied by the older company and the bitter rivalry engendered was marked by violence and murder.[b]

To put an end to a state of affairs destructive of all profitable trade in the regions where these disputes occurred, the representatives of the rival companies in London finally effected a union between them, the name Hudson's Bay Company being continued. The agreement to unite was executed in March, 1821,[c] and in July of the same year an act of Parliament authorized the Crown to grant to the Hudson's Bay Company, for the term of twenty-one years, the "exclusive privilege of trading with the *Indians* in all such parts of *North America*" as did not form part of the company's previous possessions, the royal provinces, or the territory of the United States.[d] December 5, 1821 the royal license was granted to the company in pursuance of the parliamentary act.[e] Thus the complete monopoly of the British fur trade in America was again secured by the Hudson's Bay Company and it became to all intents the governing power over the vast territory extending from Lake Superior to the Arctic Ocean and from Hudson Bay to the western bounds of the American dominions of Great Britain.

Within four months after this union of the rival British fur companies had been completed, and their exclusive rights secured by license, the deputy governor, J. H. Pelly, sent a communication to the marquis of Londonderry, dated March 27, 1822,[f] in which he recited briefly the discoveries made on the Northwest Coast by British navigators and by traders of the North-West Company, and the priority of territorial rights, which, he claimed, resulted from these facts. The letter closes in the following language: "The fur trade of Great Britain, by an Act of last Session and grant from His Majesty, is vested in the Hudson's Bay Company; I cannot, therefore, refrain from calling your Lordship's attention to this matter as of considerable

[a] The Remarkable History of the Hudson's Bay Company, George Bryce, London 1900, p. 396.

[b] Ibid, p. 355 et seq.

[c] The Great Company, p. 432.

[d] 1 and 2 George IV, chap. 66, Pickering's Statutes, Vol. LXI, p. 225.

[e] Report from Select Committee on the Hudson's Bay Company, House of Commons, 1857, Reports of Committees, Vol XI, p. 425.

[f] Appendix, p. 106.

importance at the present moment, and not unlikely to lead to very unpleasant occurrences at some future period, if no notice is taken of these proceedings of the Russian and American Governments, the effect of which would be to exclude British subjects from the north-west coast of America, and a valuable trade in the interior."[a]

On September 25, 1822, Mr. Pelly again addressed the Foreign Office stating more in detail the interests of the Hudson's Bay Company in the western part of North America.[b] Presumably this second letter was sent in view of the approaching departure of the Duke of Wellington, and the probability of the question being discussed at Verona, as it is dated only two days before Mr. Canning's résumé of the controversy, some statements of which are evidently derived from those of Mr. Pelly.[c]

The letter deals solely with the question of Russia's territorial claims and does not refer to her assertion of maritime jurisdiction. At the outset Mr. Pelly stated: "It appears to the Directors of this Company that the claim of Russia is not well founded, and as the interests of the Company and of the British fur trade would be essentially and greatly injured, should the claims of Russia be admitted by the British Government, I feel it to be incumbent upon me, in addition to the representations which I have already made upon this subject, to state briefly the progress of the British fur trade in that part of North America, and to apprise you of the forts or trading stations, situated to the north of the fifty-first degree of north latitude, which are now occupied by the traders and servants of this company."

After reciting the advance of the North-West Company beyond the Rocky Mountains and stating that in 1821 the Hudson's Bay Company "had acquired possession of all the forts and trading stations of that Association situated in New Caledonia," as well as in other parts of British North America, he detailed the permanent posts of the company in New Caledonia. Their location is given as follows: The Rocky Mountain Portage, 56° north latitude and 121° west longitude; Stewart's Lake, 54° 30′ north latitude and 125° west longitude; McLeod's Lake, 55° north latitude and 124° west longitude, and Fraser's Lake in 55° north latitude and about 127° west longitude. (The situation of these posts is given upon Map No. 1 in the Atlas

[a] Appendix, p. 107. [b] Appendix, p. 109.
[c] Appendix, p. 111.

accompanying this Case.) He further stated that the company's trade extended from 60° north latitude to the mouth of the Fraser River, in about latitude 49°, "and between the Rocky Mountains and the sea;" that the traders of other nations had never been met in these regions; and that "the considerable rivers which fall into the Pacific Ocean in this extent of coast" have not yet been sufficiently explored to determine whether or not they are navigable; but that if they are it would be advantageous, as the company's experience on the Columbia had proven.[a]

The implication in the letter of the deputy governor is that the operations of the Hudson's Bay Company extended between the Rocky Mountains and the ocean, and on the coast from the Fraser River to 56°, or even 60°, north latitude.

The portion of Mr. Canning's communication, which is based upon Mr. Pelly's statements, is that, while title by discovery may be fairly disputed with Russia, "the much more certain title of actual occupation by the agents and the trading servants of the Hudson's Bay Company extends at this moment to many degrees of higher latitude *on the northwest coast*[b] of America than is claimed as the territory of Russia by the Ukase in question."[c]

Thus the idea, which Mr. Pelly so adroitly introduced into his letter, although unfounded in fact and unwarranted by his own statement of the location of trading posts, is advanced by Mr. Canning as an argument to be used in controverting the territorial claim of Russia.

October 17, the Duke of Wellington handed to Count Nesselrode a confidential memorandum upon the ukase,[d] in which he asserted that "the much more easily proved, more conclusive, and more certain title of occupation and use ought to decide the claim of sovereignty." He added: "Now *we can prove*[b] that the English North-West Company and the Hudson's Bay Company have for many years established forts and other trading stations in a country called New Caledonia, situated to the west of a range of mountains called Rocky Mountains, and extending *along the shores of the Pacific from latitude 49° to latitude 60°*."[b]

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[a] Appendix, p. 110.

[b] Not italicized in the original.

[c] Appendix, p. 111.

[d] Appendix, p. 113.

The implication of Mr. Pelly is here stated as an *established fact*, and upon it Wellington made the assertion, "we have the indisputable claim of occupancy and use for a series of years, which all the best writers on the laws of nations admit is the best founded claim to a territory of this description."[a]

From this time forward in the negotiations Great Britain continued to insist that this condition of occupancy existed. Its foundation seems to have been lost sight of in the belief that a substantial claim of possession had been established in accord with the recognized principles of international law.

Count Nesselrode replied to this memorandum on November 23, 1822,[b] stating that Russia would not dispute the existence of British settlements between the 49th and 51st parallels, which were outside of the possessions claimed by his government, but that "even the most recent and complete English maps do not show a single trading post mentioned in the memorandum of October 17 on the coast of America between the fifty-first and sixtieth degree of north latitude." But he said, that in order to prevent further contention the Emperor had directed his cabinet to state to the Duke of Wellington that he was ready to settle by negotiation the limits of the Russian and British possessions on the Northwest Coast.

This proposition, however, was not acceptable to Great Britain, for it limited the subject of the negotiations to the question of establishing a boundary line, and this to the British Government was the least important element in the dispute. As late in the negotiations as December 8, 1824, Mr. George Canning, in his letter of instructions to Mr. Stratford Canning,[c] wrote: "The whole negotiation grows out of the ukase of 1821. So entirely and absolutely true is this proposition that the settlement of the limits of the respective possessions of Great Britain and Russia on the northwest coast of America was proposed by us only as a mode of facilitating the adjustment of the difference arising from the ukase by enabling the court of Russia, under cover of the more comprehensive arrangement, to withdraw, with less appearance of concession, the offensive pretentions of the edict." It is clear that what Great Britain sought above every other consideration was the formal renunciation of the extensive maritime jurisdiction assumed

[a] Appendix, p. 114. [b] Appendix, p. 115.

[c] Appendix, p. 208.

by the ukase. The Duke of Wellington, in accordance with this view, declined the offer to negotiate upon the subject of the boundary alone, and after restating the objections of Great Britain to the ukase, suggested as the best mode of settling the controversy that Russia should announce her readiness to negotiate upon the whole subject.[a] The day following (November 29), in an interview with the Russian representatives, it was determined that the memoranda exchanged "should be considered *non avenus*," and that Count Lieven on his return to London should, in a reply to a note received some months before from the Marquis of Londonderry, state the desire of the Emperor to negotiate with Great Britain upon the whole question.[b]

Count Lieven, before leaving Verona, was directed by his government to proceed in accordance with this agreement, and upon his arrival in London he addressed Mr. Canning a note, dated January 19 31, 1823, in which it was proposed to temporarily waive the question of strict right and to adjust the differences raised by the ukase by an arrangement "founded on the sole principle of mutual expediency, to be negotiated at St. Petersburg."[c]

Five days later Mr. Canning, who had already forwarded to Sir Charles Bagot, at St. Petersburg, on December 31, the instructions given to the Duke of Wellington and the latter's correspondence with the Russian representatives at Verona, inclosed to the British minister the note received from Count Lieven and directed him to open the nogotiations upon the basis of the instructions furnished the Duke of Wellington.

Mr. Canning, on February 25, sent to Sir Charles a full power "to adjust the differences which have arisen in consequence of the ukase promulgated at St. Petersburg on the 4th September, 1821."[d] He stated also that he had no further papers to add to those already furnished the British minister, except the two opinions of the law officers of the Crown, which had been prepared in 1821, shortly after the British Government had received official notice of the ukase.[e]

The negotiations of Russia with Great Britain were thus to be conducted at St. Petersburg, while those with the United States were to

[a] Appendix, p. 116.
[b] Appendix, p. 117.
[c] Appendix, p. 118.
[d] Appendix, p. 119.
[e] Appendix, p. 102.

be carried on at Washington. The advantage of the same plenipotentiary conducting the negotiations with both powers was apparent to the Russian Government. With that purpose in view Baron de Tuyll was directed to request the United States Government to empower its minister at St. Petersburg to terminate the differences arising under the ukase, "on the principle of mutual convenience." He did so within two weeks after his arrival in Washington,[a] by a note dated April 24, 1823, after having stated that the British minister at St. Petersburg had received the full power necessary for the negotiation.[b]

Mr. Adams, the Secretary of State, apprised Mr. Stratford Canning, the British minister at Washington, of the communication which he had received, and "suggested whether it might not be advantageous for the British and American Governments, protesting as they did against the claims of Russia, to empower their ministers at St. Petersburg to act in the proposed negotiation on a common understanding." Mr. Adams further stated that although the United States has no territorial claims as high as 51° north latitude, it was opposed to the Russian claim, and also to the asserted right of excluding American citizens from trading with the natives in those regions and the "extravagant pretention to prohibit the approach of foreign vessels within 100 Italian miles of the coast."[c] It is evident that the opposition of the United States to the territorial claims of Russia was because the right to restrict trade and to exercise jurisdiction over the neighboring seas depended solely upon territorial dominion.

On May 7, a short time after his conversation with the British minister, Mr. Adams notified Baron de Tuyll that the President readily acceded to the proposal to transfer the discussion again to St. Petersburg, and that the American minister would be furnished with full powers to conduct the negotiation.[d]

It was not until July 22, however, that the full powers were sent to Mr. Middleton.[d] Mr. Adams, in his instructions as to the conduct of the negotiation, stated the two subjects in controversy to be "the pretentions of the Imperial Government * * * to an exclusive territorial jurisdiction from the forty-fifth degree of north latitude on the

[a] Appendix, p. 120.
[b] Appendix, p. 46.
[c] Appendix, p. 120.
[d] Appendix, p. 47.

Asiatic coast to the latitude of fifty-one north on the western coast of the American continent;" and the assumption of "the right of interdicting the *navigation* and the fishery of all other nations to the extent of 100 miles from the whole of that coast." The mention of the Russian claim on the Asiatic side of the ocean, to which neither the United States nor Great Britain could advance contending claims, shows that the right of free navigation was the important question involved in the controversy.

Mr. Adams then proceeded to consider the grounds upon which the Russian title rested, reviewing his own discussions with M. de Poletica, the earlier correspondence of 1808 and 1810 in relation to the traffic in firearms and ammunition, and the mutual trade rights of the United States and Great Britain on the Northwest Coast established by the third article of the treaty of 1818.[a] He added: "You are authorized to propose an article of the same import for a term of ten years from the signature of a joint convention between the United States, Great Britain, and Russia."[b]

Mr. Middleton was further instructed as follows: "With regard to the territorial claim, separate from the right of traffic with the natives and from any system of colonial exclusions, we are willing to agree to the boundary line within which the Emperor Paul had granted exclusive privileges to the Russian American Company—that is to say, latitude 55°."

The points which Mr. Adams desired to secure, namely, the abandonment by Russia of the claim over the sea within 100 miles of her territory, and a privilege for ten years of unrestricted trade for American citizens, together with the point he was willing to concede, namely, a boundary line at the 55th parallel of north latitude, beyond which neither nation should extend its settlements, he embodied in a draft of a convention, which he inclosed, the provisions of which were substantially the same as those of the treaty finally concluded in 1824.

In accordance with the suggestion which he had made to Mr. Stratford Canning, the letter of instruction contained the following: "As the British Ambassador at St. Petersburg is authorized and instructed to negotiate likewise upon this subject, it may be proper to adjust

[a] For treaty, see Treaties and Conventions between the United States and Other Powers, Washington, 1889, p. 415.

[b] Appendix, pp. 48–50.

the interests and claims of the three powers by a joint convention. Your full power is prepared accordingly."[a]

On the same day upon which he forwarded to Mr. Middleton his full power Mr. Adams sent a long dispatch to the American minister at London, Mr. Rush, concerning the state of affairs existing upon the Northwest Coast.[b] He discussed the relations between the United States and Great Britain created by the treaty of 1818, the foundation of the title of the United States to the territory watered by the Columbia River, and the territorial rights of Russia.

After showing how much stronger was the American claim to possession than either the British or Russian claim, he made the following assertion, which is suggestive of the declaration contained in the famous message of President Monroe sent to Congress in December of the same year: "It is not imaginable that, in the present condition of the world, *any* European nation should entertain the project of settling a *colony* on the northwest coast of America."[c] He continued: "That the United States should form establishments there, with views of absolute territorial right and inland communication, is not only to be expected, but is pointed out by the finger of nature."

This statement of the attitude of the United States toward future colonization by European nations and of expected extension of American settlements is peculiarly important in determining the actual position of the United States in regard to Russia's title to her American possessions. It was written upon the *same day* that the instructions and the draft of treaty were sent to Mr. Middleton in which Mr. Adams fixed the 55th parallel of north latitude as the northern limit of settlements by the United States and as the southern limit of Russian occupation. The one conclusion is that he was convinced that Russia had already an established colony within the limits named in his treaty draft, and, therefore, an unassailable title to the territory.

The Secretary of State also informed Mr. Rush that Mr. Middleton had been instructed and empowered to carry on negotiations with Russia as to the conflicting claims on the Northwest Coast, and he proposed that, as three nations were involved in the controversy, the United States and Great Britain should come to a mutual understanding as to their respective pretensions. Mr. Rush was furnished with

[a] Appendix, p. 51. [b] Appendix, p. 52. [c] Appendix, p. 54.

the instructions sent to Mr Middleton, and he was directed "to confer freely with the British Government on the subject."[a]

Mr. Adams, after reviewing the instructions to Mr. Middleton, authorized the American minister at London to propose to the British Government a stipulation that the United States should not make settlements north of latitude 51°, that Russia should make none south of 55°, and Great Britain should make none north of 55° or south of 51°.[b]

Secretary Canning, on July 12, 1823, forwarded to Sir Charles Bagot a copy of the dispatch of Mr. Stratford Canning of May 3, in which he stated Mr. Adams's proposal of joint action by the United States and Great Britain.[c] In the letter transmitting this copy Mr. George Canning said: "We have no precise information as to the views of the American Government, Mr. Rush not having yet received any instructions upon the subject. It seems probable, however, that the part of the question in which the American Government is peculiarly desirous of establishing a concert with this country is that which concerns the extravagant assumption of maritime jurisdiction. * * * Upon this point, therefore, such a concert as the United States are understood to desire will be peculiarly advantageous."

Mr. Canning, however, deemed it wise not to give definite instructions until he had been informed of the views of the American Government. Of the territorial claim, he said that it was "perhaps susceptible of a separate settlement," and that "of the two principles on which the settlement could be made, viz, joint occupancy or territorial demarcation," the latter was "clearly preferable." He then suggested a line of demarcation at the 57th degree, "which," he said, "would be an arrangement satisfactory to us, and would assign to Russia as much as she can pretend to be due to her;" and he directed the British minister to find if such a basis would be agreeable to the Russian Government.[d]

Sir Charles Bagot, in view of the approaching departure of Count Nesselrode from St. Petersburg, deemed it advisable to inform him of the probable authorization of the American minister and himself to act jointly in negotiating the question of maritime jurisdiction raised by the ukase.[e] The announcement met with Count Nesselrode's hearty approval, and he stated that M. de Poletica, "supposed to be

[a] Appendix, p. 55.
[b] Appendix, p. 56.
[c] Appendix, p. 120.
[d] Appendix, p. 123.
[e] Appendix, p. 125.

the person most conversant with the whole question," would be probably instructed to prepare the necessary materials so that the matter could be taken up immediately upon his return to the capital.

As to the territorial claim advanced by Russia, the British minister explained to Count Nesselrode that, as the United States made no pretension to territory as far north as the 51st parallel, the question rested between Great Britain and Russia alone, and became, therefore, a matter for separate settlement between the two interested governments. He then, in accordance with his instructions, stated the two modes of settlement, and that the preference of the British Government was to fix a definite boundary line. Count Nesselrode coincided with this view, and assured Sir Charles "that the chief if not the only object of the Imperial Government was to be upon some certainty in this respect."[a]

In a second interview the British minister stated that, while Great Britain claimed to 59° of north latitude, a line drawn at 57° would be acceptable, and that he believed that Russia had no settlement south of that line. In reporting the conversation to Mr. Canning he said that he was not quite sure that this assertion was correct, since the map published in 1802 in the quartermaster-general's department at St. Petersburg (Map No. 6 in the Atlas accompanying this Case) did not locate the "Russian settlement of Sitka" very precisely, and it did not appear at all on the Arrowsmith map (see Maps Nos. 8 and 10 in the Atlas accompanying this Case) sent to him from the Foreign Office. Count Nesselrode replied that he was not familiar enough with the subject to give an immediate answer, but that he would take the matter under consideration.

Before his dispatch of August 31, 1823, in which these interviews were reported to the Foreign Office, had been sealed, Sir Charles Bagot was informed by Count Nesselrode that M. de Poletica had been commanded by the Emperor to communicate directly with the American and British ministers in regard to that part of the ukase as to which it had been proposed to act jointly as soon as Mr. Middleton had received his instructions.[b]

Mr. Middleton, on September 19, 1823,[c] had not received the expected letter from the Department of State, but he had been informed by Count Nesselrode that advices from Baron de Tuyll inti-

[a] Appendix, pp. 126–127. [b] Appendix, p. 127.

[c] Appendix, p. 56.

mated that the negotiation was to be transferred to St. Petersburg, and by Sir Charles Bagot that Mr. Canning had "eagerly caught at the proposition" of joint action, and that instructions to that effect would undoubtedly be received from Washington. On August 22 September 3, 1823, the day on which he left St. Petersburg,[a] Count Nesselrode notified Mr. Middleton of M. de Poletica's authorization to begin conferences with him for the purpose of preparing the way to a definite adjustment of the controversy.[b]

Mr. Adams's letter of instructions was finally received by Mr. Middleton on October 16.[c] Although he did not communicate its contents to the British minister, the latter from conversations with his colleague concluded "what," he said, he "had long had reason to suspect," namely, that the United States "so far from admitting that they have no territorial pretensions so high as the fifty-first degree of north latitude and no territorial interest in the demarcation of the boundary between His Majesty and the Emperor of Russia to the north of that degree," were prepared to assert equal pretensions with Great Britain and Russia to the whole coast as far north as the 61st parallel and the right to be a party to any partition of that region.

Sir Charles further reported that Mr. Middleton had confidentially informed him that the United States desired, upon the assumption of the right to share in the division of territory, that the three powers should enter into a joint convention to grant to each other, for a limited period, the mutual rights of fishery and trade upon their respective coasts, and that he had, in fact, received the draft of a treaty to that effect from his government.[d]

This position of the United States, new so far as the representatives of Great Britain were concerned, at once changed the attitude of these two nations toward each other in the controversy.

As to the question of the maritime jurisdiction assumed by the ukase their interests were identical, but in regard to the territorial claims involved they were quite dissimilar. Excepting the efforts of both to restrict Russian dominion over the ocean to the customary territorial limits and to preserve the freedom of the high seas for navigation—efforts which were natural to the two principal maritime nations of that

[a] Appendix, p. 56.

[b] Appendix, p. 57.

[c] Appendix, p. 129.

[d] Appendix, p. 130. For draft of treaty referred to, see Appendix, p. 51.

period—the aim of the two powers, and of Russia also, was to secure the trade interests of their respective citizens and subjects in these regions.

The American traders carried on their operations from the sea. It was of supreme importance to them that they should not be restricted from entering the inland waters and approaching the shores. The boundary line upon the coast was of small moment compared with obtaining this privilege of trade, though a claim of territory offered a means of securing the former by mutual concession.

The British fur traders, on the other hand, conducted their industry entirely from the land side of the territory claimed by Russia, only reaching the ocean far below 51° north. Their interest on the coast above that parallel was speculative, depending upon the navigable character of the rivers flowing into the Pacific from the region where they had established trading posts, and the probability of a farther extension of their operations northward and westward. They possessed no commerce such as the Americans had enjoyed for thirty years along the coasts north of 51°; a prohibition of trade with that region would have worked no hardship to them. The interests of the British fur traders—in other words, the Hudson's Bay Company—lay in securing a line on the coast as far north as the latitude of their posts west of the Rocky Mountains, and in preventing an extension of Russian dominion so far eastward as to interfere with the trade of the Hudson's Bay Company along the Mackenzie River and its tributaries.

The trade of the Russian American Company was thus menaced from the sea and from the land, and to it the rights over the territorial waters and the establishment of an inland boundary were equally essential in preventing the invasion by foreign fur traders of the coasts and islands to which its operations were confined.

An examination of the subsequent negotiations of the three powers will emphasize these different points of view, and will disclose that, outside of the all-important question of exceptional maritime jurisdiction, the conflicting interests of the American fur traders, the Hudson's Bay Company, and the Russian American Company were the important factors in the controversy, and that to harmonize these was the purpose of the respective governments, rather than to acquire territory.

Sir Charles Bagot, in view of the new conditions, in contemplation of which neither his instructions nor powers were framed, at once sus-

pended the negotiations, which he had commenced with M. de Poletica, until he should receive further directions from his government; and at the same time he expressed his apprehension of the difficulties which "the unexpected pretentions of the United States" might cause.[a]

Mr. Middleton, who had been disinclined to discuss the subject in controversy with M. de Poletica upon finding that the latter "had no powers to *conclude* anything," availed himself of the circumstances and declined further conference with the Russian representative until the British minister had received full powers to negotiate upon the entire subject.[b] Thus the negotiations at St. Petersburg were temporarily suspended.

The course pursued by M. de Poletica after being commanded to take up the subject with the American and British ministers he reported in detail to Count Nesselrode on November 3 15, 1823.[c] He stated that before entering upon the negotiations he consulted Count de Lambert, the official representative of the Russian American Company, whose interests were to be safeguarded. The result of this consultation was that M. de Poletica was convinced that the interest of the company "would be protected and their wishes entirely satisfied," if the Russian negotiators succeeded in fixing "the boundaries of the possessions of the said company at the fifty-fourth degree of north latitude, and by giving them in depth such a degree of longitude (meridian of Greenwich) as, in its prolongation to the pole, would leave the Mackenzie River outside" the Russian boundary.

The report continues with the following language, significant of the object to be secured in determining the inland boundary of the Russian possessions: "In fixing the longitude, Count de Lambert had mainly in view *the establishment of a barrier*[d] at which would be stopped, once for all, to the north as to the west of the coast allotted to our American company, the encroachments of the English agents of the Amalgamated Hudson Bay and Northwest English Company, whom a more intimate acquaintance with the country traversed by the Mackenzie River might easily bring in the course of time into the neighborhood of our establishments."[e]

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[a] Appendix, p. 130.

[b] Appendix, p. 58.

[c] Appendix, p. 137.

[d] Not italicized in the original.

[e] Appendix, pp. 137–138.

The importance of this statement is increased by the fact that M. de Poletica continued, from the time when he thus declared the object desired until the negotiations ended in the treaties finally celebrated, substantially in charge of the Russian side of the controversy, and from the further fact that Count de Lambert's suggestion was in effect embodied in the signed treaties. Russia from the first sought to erect a territorial "barrier" between her coasts and the inland possessions of Great Britain, and this "barrier" she secured by the provisions of the treaty of 1825 with Great Britain.

Count de Lambert also gave M. de Poletica to understand that the Russian American Company was not disposed to grant trade concessions to foreigners outside of "its acknowledged possessions." This determination M. de Poletica considered worthy of notice, since he deemed that in all probability this would form the "chief and even the only difficulty" in the negotiations with the United States. [a]

Having learned from both the American and British ministers that they would undoubtedly act jointly upon the question of maritime jurisdiction, M. de Poletica, at the suggestion of the British minister, agreed to postpone its discussion until the instructions to Mr. Middleton arrived. Some days after the interview at which this postponement was agreed upon, Sir Charles Bagot said to the Russian representative that while awaiting the instructions, which Mr. Middleton had not then received, there was nothing to prevent their "discussing the territorial question, to which the Americans were, in a measure, strangers." [a]

Accordingly the two representatives met by appointment on October 14,[b] two days before Mr. Middleton received his full powers and instructions.[c] At the outset Sir Charles Bagot discovered that M. de Poletica was not authorized to make any positive declaration on behalf of his Government nor receive any proposition otherwise than *ad referendum*. However, in view of his instructions to obtain from Russia, if possible, some definite statement of her position,[d] he asked M. de Poletica what, in the opinion of the Imperial Government, should be the line of separation between the British and Russian possessions on the Northwest Coast. The latter frankly replied that his government would think that it had made all the

[a] Appendix, p. 138.
[b] Appendix, p. 139.
[c] Appendix, p. 129.
[d] Appendix, p. 124.

concessions which moderation and a desire to maintain friendly relations with other powers required "by fixing the boundary between the Russian and English possessions at the fifty-fourth degree of latitude, and by giving for the longitude such a line as in its prolongation in a straight line toward the pole would leave the Mackenzie River outside of the Russian frontier."[a] This language is, with immaterial variations, the same used by Count de Lambert. The proposition of the Russian American Company had become the declared position of the Russian Government.

Sir Charles Bagot replied that this line was very far from the one his government wished to fix. He then entered upon an argument against the legality of the Russian title, during which he read the opinions of the law officers of the Crown, but "suddenly suspended the discussion" to say that his government, after all, had "no intention of discussing the territorial question according to the abstract principles of public law or of international law," believing a more satisfactory result could be reached by "an amicable arrangement, which would be based only upon mutual consent." M. de Poletica assured him that the Imperial Government fully coincided with this view of the negotiations.[b] The report of the Russian negotiator continues: "Chevalier Bagot then placed himself before the geographical map which we had at hand, and traced upon it with his finger a line beginning at the fifty-seventh degree of latitude, the intersection of which designated [*dont l'intersection désignait*[c]] the one hundred and thirty-fifth degree of longitude west of Greenwich, precisely at the point where our establishment of Novo-Archangelsk appears to be."[b]

Sir Charles Bagot, who gave a very brief account of this interview with M. de Poletica,[d] said in his report: "I then gave him to understand that the British Government would, I thought, be satisfied to take Cross Sound, lying about the latitude of 57½°, as the boundary between the two powers on the coast; and a meridian line drawn from the head of Lynn Canal, as it is laid down in Arrowsmith's last map (see Map No. 10 in the Atlas accompanying this Case), or about the one hundred and thirty-fifth degree of west longitude, as the boundary in the interior of the continent."

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[a] Appendix, p. 139.
[b] Appendix, p. 140.
[c] Appendix, p. 135.
[d] Appendix, p. 131.

There is an evident disagreement here between the two accounts of the interview, but as Sir Charles indicated the proposed line by tracing it roughly with his finger, it may be presumed that his statement of the proposal made is the correct one. (For the line proposed, see Map No. 3 in the Atlas accompanying this Case.) By either version, however, Russia would, if the boundary was adopted, be deprived of her important port of New Archangel, and that was sufficient reason for M. de Poletica to state that there was no probability of the Imperial Government withdrawing two degrees beyond the point (55° of north latitude) mentioned in the charter granted in 1799 to the Russian American Company as the southern boundary of its possessions.[a] But in view of that original limitation M. de Poletica gave the British minister to understand that he believed the Imperial Government would be willing to replace the boundary of the Russian dominions at that parallel.[b] To this extent he modified Count de Lambert's proposition, which fixed it at 54°.

Sir Charles Bagot, in his note to Mr. Canning, said of this first line of demarcation proposed by Great Britain: "I thought that it might be *for the advantage of the negotiation*[c] if I reserved the proposition of the fifty-seventh degree to a later period of it, * * *."[d] This would appear to mean that he intended to insist upon this boundary as long as the proposal of Russia remained unchanged, but that he would recede from it provided he could secure sufficient concessions in exchange.

M. de Poletica, in reporting the substance of these conferences to Count Nesselrode, said that matters of secondary importance were mentioned. Among these he stated that the British minister agreed with him "in the most explicit manner that the territorial question did not concern the Americans in the least;" but that Sir Charles thought, as did he, "that they would try to obtain" from Russia "the recognition of what they claim to be an ancient right belonging to them, not only to navigate" the Russian "waters freely, but also to trade with the natives of the country."[e]

One of these subjects, which then seemed of "secondary importance," has, in the present controversy, become of interest in determining the view of Great Britain as to the character of the sovereignty which

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[a] Appendix, p. 140.
[b] Appendix, p. 141.
[c] Not italicized in the original.
[d] Appendix, p. 131.
[e] Appendix, p. 142.

Russia would possess within the limits fixed by a treaty between them. The language of M. de Poletica is as follows: "In this way [i. e., incidentally] Chevalier Bagot, after informing me of the plan of demarcation devised by his Government, agreed unhesitatingly that when the boundaries between our respective possessions were once established we would be perfectly free to introduce into the territory allotted to us such administrative regulations as our own wisdom might suggest; that is to say, that we shall have full liberty to permit foreign navigation in our waters or to reserve them exclusively for our own use."[a] It is evident from this declaration of the British minister, who was fully empowered to speak upon this subject for his Government, that Great Britain recognized that Russia had a complete and unlimited sovereignty over her American domain, and that to navigate her territorial waters or to trade along her coasts must be granted by her as a privilege and could not be demanded as a right by any other power.

Negotiations having been postponed both by the American and the British minister at St. Petersburg, no further steps were taken until the middle of December, by which time it was expected that Sir Charles would receive dispatches empowering him to enter upon a tripartite negotiation of the territorial as well as the maritime question.[b] When the time arrived and the British minister had received no further instructions from his government, Mr. Middleton, "unwilling," as he said, "to lose any further time," delivered on December 17, 1823, to Count Nesselrode a confidential memorial upon the subject in controversy "for his own and the Emperor's perusal."[c] This memorial, prepared by Mr. Middleton after the negotiations ceased in October,[d] is a review of the statements, arguments, and assertions contained in Mr. Adams's letters of July 22, 1823, to the American ministers at St. Petersburg and London.[e] The subject is treated so as to emphasize the Spanish claim to the American coast, by discovery, as far north as the 61st parallel, to which claim the United States had succeeded, and the rights of trade, which the United States asserted to have become vested in its citizens through a long period of undisturbed enjoyment.[f]

While the legal principles involved are discussed, the chief aim of the memorial is to establish the superiority of the territorial rights of

[a] Appendix, p. 142.
[b] Appendix, p. 58.
[c] Appendix, p. 67.
[d] Appendix, p. 58.
[e] Appendix, pp. 47–51, 52–56.
[f] Appendix, pp. 59–65.

the United States over those of Russia between 51° and 61° north latitude, and the right of the former to navigate and trade along the coasts at such places as had not been actually occupied and settled by Russia. The question of maritime jurisdiction to the extent of 100 miles from the coasts, which had been the principal cause of the negotiations, had been practically eliminated by the modification of the regulations of the ukase by the Russian Government. So far as that subject was concerned, a treaty provision insuring freedom of navigation in the North Pacific and Bering Sea to the citizens and subjects of both powers would be a sufficient formal renunciation of the Russian pretension. To such an article in the treaty to be negotiated Russia, in view of her withdrawal from her maritime claim, would presumably offer no objection. The real subject of negotiations, therefore, became the trade privileges which American citizens should in the future have along the coasts of the Russian possessions.

The negotiations, of which this memorial formed the basis, did not commence until February 21, 1824,[a] twelve days after Mr. Middleton had received a letter from Mr. Rush, dated January 9,[b] informing him that Great Britain had declined to treat conjointly with the United States at St. Petersburg, a fact confirmed by Sir Charles Bagot, who received the same day a dispatch to that effect from the Foreign Office.[a] This change of attitude by Great Britain may be credited to two causes: the territorial claims advanced by the United States, and the declaration of President Monroe in his annual message to Congress in 1823 that the continents of America were not considered subjects for future European colonization.[c]

Mr. Rush, who had received his instructions of July 22, 1823, toward the end of September,[d] was unable to obtain an interview with Mr. Canning until December 17, at which time the latter had been apprised by Sir Charles Bagot that the United States Government was prepared to assert a territorial claim as far north as 61°, which was based upon the succession to the rights of Spain, and that Mr. Middleton had been furnished with a draft of a tripartite convention covering both the maritime and territorial questions.[e]

In the interview between Mr. Rush and Mr. Canning the former presented Mr. Adams's plan for a joint treaty of the three powers,

[a] Appendix, p. 68.
[b] Appendix, p. 81.
[c] Appendix, p. 231.
[d] Appendix, pp. 52, 129.
[e] Appendix, p. 130.

providing for freedom of trade in the territory and waters westward of "the Stony Mountains" during a term of ten years, and, further, that the United States should make no settlements north of 51°, Russia none south of 55°, and Great Britain none south of 51° or north of 55°.[a] Mr. Canning expressed no opinion upon the questions involved, but Mr. Rush concluded from his remarks that he would strongly object to the limitations to British territory proposed, and that "in treating of this coast he had supposed that Britain had her northern question with Russia, as her southern with the United States." In the course of his remarks Mr. Rush said "that the United States no longer regarded any part of that coast as open to European colonization, but only to be used for purposes of traffic with the natives and for fishing in the neighboring seas." Thus Mr. Canning was informed of the policy of the United States in regard to future colonization in America by European nations, of which he was to learn more when the post should bring copies of the annual message of President Monroe, submitted to Congress two weeks before this interview.

On January 15, 1824, Mr. Canning sent an instruction to Sir Charles Bagot,[b] in which he declared that it was for the interest of Great Britain to proceed separately in the negotiation. He stated that the limits placed upon British dominion seemed to have been proposed by the United States for the purpose of avoiding any collision between itself and Russia, and of gratifying Russia at the expense of Great Britain; that he understood the proposition of joint occupancy made by the United States was objectionable to Russia, and Great Britain had no desire to press it so far as that Empire was concerned; and that, under such circumstances, there "would be some awkwardness in a tripartite negotiation."

These reasons Mr. Canning said had induced the British Government to hesitate as to the expediency of acceding to the proposal of the United States "when the arrival of the speech of the President of the United States at the opening of the Congress supplied another reason at once decisive in itself * * *. I refer to the principle declared in that speech, which prohibits any further attempt by European powers at colonization in America."[c]

Mr. Canning also informed Sir Charles that Mr. Rush seemed to acquiesce in the impossibility of joint action through this "new prin-

[a] Appendix, p. 65.
[b] Appendix, p. 144.
[c] Appendix, pp. 146–147.

ciple of the President's" and that it only remained to direct Sir Charles to resume his negotiation "with the Court of St. Petersburg at the point at which it was suspended in consequence of the expected accession of the United States, and to endeavor to bring it as speedily as possible to an amicable and honorable conclusion."[a]

In a memorandum dated January 7, 1824, also sent to the British minister by Mr. Canning, the following language indicates the reason why the doctrine of the President was "decisive" in determining the British Government not to proceed jointly: "But the principle laid down with respect to colonization in the speech of the President of the United States (to which Great Britain does not assent) must be so particularly displeasing to Russia that it may be expected to create some difficulty in the negotiation between Russia and the United States. At all events, it must interpose a difficulty to that union of counsels between the United States and Great Britain without which concert would not be advantageous. Under these circumstances it is not thought advisable to send Sir C. Bagot fresh instructions for a tripartite negotiation."[b]

From the time that the determination of the British Government not to act jointly with the United States in the questions with Russia became known to the ministers of the two powers, they carried on negotiations which covered the same period of time, but were entirely distinct and independent of each other, there being no conferences and mutual exchange of views, such as had marked the previous course of the controversy.

THE AMERICAN NEGOTIATIONS OF 1824.

Mr. Middleton, upon receiving the notification that Great Britain would treat separately, at once announced to the Russian minister of foreign affairs and to Sir Charles Bagot that if any attempt was made to negotiate upon the territorial question without the participation of the United States, it would be his duty to protest in the strongest terms. He stated to the British minister that, as Great Britain had "no settlement or possession upon any part of the northwest *coast* of America," she had no "claims" to convey except such as she derived from the Nootka Sound convention with Spain, signed October 28,

[a] Appendix, p. 147. [b] Appendix, p. 69.

1790;[a] that the United States had succeeded to all the Spanish rights by the treaty of February 22, 1819,[b] which gave the latter concurrent claims with Great Britain whatever her pretensions might be; and that for these reasons any treaty between Great Britain and Russia in which the United States was not a party would be nugatory as to it and could not divest it of the right to enjoy that coast.[c] Having made a declaration of similar intent to Count Nesselrode, Mr. Middleton secured an interview with him on February 21, 1824,[d] at which he submitted a brief paper entitled "State of the Question"[e] and a treaty draft[f] similar to the one sent to him by Mr. Adams in his letter of instructions of July 22, 1823.[g]

A second conference occurred on March 4, at which Count Nesselrode and M. de Poletica submitted a counter draft to the one Mr. Middleton had presented at the first conference.[h] In this the line of demarcation was changed from 55° to 54° 40′, and Russia further proposed the exclusion of Americans north of that line except at the port of New Archangel, and of Russians south of it.[i] Mr. Middleton informed the Russian negotiators that their proposal was "utterly inadmissible," and that his instructions were that two points must be obtained before he should enter into a "*territorial delimitation for settlements* at fifty-five degrees." M. de Poletica replied that he would never sign any instrument allowing American ships free admission to the Russian coasts. Count Nesselrode remained silent. Mr. Middleton then agreed to take the counter draft under consideration.[j]

At the third conference on March 8,[j] Mr. Middleton submitted a memorandum upon the counter draft, which accepted the first article proposed by Russia relating to the freedom of navigation in the Pacific Ocean and the right to resort to unoccupied coasts, modified the second article by limiting the prohibition to visit the possessions of the other power, without consent, to places occupied by settlements, and sub-

[a] Hertslet's Commercial and Slave Trade Treaties, etc., Vol. II, p. 256.

[b] Treaties and Conventions between the United States and Other Powers, p. 1016.

[c] Appendix, p. 70.

[d] Appendix, p. 71.

[e] Appendix, p. 81.

[f] Appendix, p. 82.

[g] Appendix, p. 51.

[h] Appendix, pp. 72–73.

[i] Appendix, p. 83.

[j] Appendix, p. 73.

stantially agreed that the line of demarcation for future settlement should be 54° 40′ instead of 55°. To the latter article Mr. Middleton added the following: "It is at the same time agreed, however, that the vessels of the two powers, or belonging to their citizens and subjects, may, reciprocally, frequent all the interior seas, gulfs, harbors, and creeks of the said coast in order to carry on fishing *and trade with the natives of the country* without any hindrance or molestation whatever during *ten* years, to be counted from the date of signing the present convention."[a]

Count Nesselrode and M. de Poletica took Mr. Middleton's proposals under consideration. On March 20 the plenipotentiaries again met. Count Nesselrode stated the last draft of the United States had been considered and but little remained to be done to reach an agreement, and that it only required to strike out the italicized phrase relative to trade, and to change the "ten years" to "five years." To this Mr. Middleton replied that such a change would amount to a stipulation to enjoy for a brief term, and as a privilege, that which the United States was entitled to by the law of nature, "in common with all other independent nations, to wit, *the fisheries* upon an *unoccupied* coast."[b] It is evident from this statement that Mr. Middleton deemed a stipulation permitting acts on the part of citizens and subjects of the contracting powers for a fixed term was the grant of a privilege, and necessarily a recognition of sovereignty in the power granting it.

Having stated his objections to the proposed changes, the American envoy delivered to Count Nesselrode a brief paper which treated solely of the weakness of Russia's territorial claims.[c] Undoubtedly this action had the effect of inducing the Russian plenipotentiaries to concede the provisions relative to reciprocal trade privileges rather than to open up the question of the legality of the Russian title to the territory, for Count Nesselrode at once seemed inclined to come to an agreement as to these privileges, provided that traffic in firearms and ammunition was prohibited. To this Mr. Middleton objected that other nations might profit by the prohibition, but as it was not formally proposed, its consideration was postponed to another meeting.[c]

A delay of two weeks occurred, occasioned, as Mr. Middlton supposed, "to give time for consultation with the directors of the Russian American Company." On April 3 M. de Poletica left with the

[a] Appendix, p. 84. [b] Appendix, p. 74. [c] Appendix, p. 75.

American minister for his consideration a new draft, explaining that the Emperor desired to add spirituous liquors to the prohibited articles of trade.[a] Between April 5 and 14 six conferences took place between the negotiators, several counter drafts were submitted and discussed, and finally on April 5 17, 1824, the treaty between the United States and Russia was signed.[b]

The articles of this treaty which are of importance in the present discussion are the third and fourth, which relate to the line of demarcation and the reciprocal privileges of trade. They are as follows:

ARTICLE III.

It is moreover agreed that, hereafter, there shall not be formed by the citizens of the United States, nor under the authority of the said States, any establishment upon the northwest coast of America, nor in any of the islands adjacent, to the north of fifty-four degrees and forty minutes of north latitude; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, south of the same parallel.

ARTICLE IV.

It is, nevertheless, understood that during a term of ten years, counting from the signature of the present convention, the ships of both powers, or which belong to their citizens or subjects, respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks, upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country.

In explaining the reason for consenting to a limitation upon the privilege of trade, Mr. Middleton said that he would not have done so without receiving further instructions, but he apprehended that before they could arrive Great Britain and Russia would certainly have come to an agreement upon a boundary without the participation of the United States; and he added: "We should then have no equivalent to offer for the trade we covet upon their shores, as neither of these nations seem disposed to consider as valuable any like advantage we may have it in our power to grant."[c] This language explains fully the object sought from the outset by the United States—a continuance of its trade with the natives on the Northwest Coast, although it was limited by force of circumstances to a period of ten years. Russia had also secured by the treaty the desired

[a] Appendix, p. 75. [b] Appendix, pp. 10, 76.
[c] Appendix, p. 78.

recognition of her sovereignty over the coast as far south as 54° 40′ north latitude, above which she could establish her settlements at will and exercise her governmental authority.

Count Nesselrode, in a letter to Admiral Mordvinof,[a] informing the Russian American Company of the negotiations with Great Britain and of the conclusion six days previously of a treaty with the United States, wrote: "In Article III the United States recognize the sovereign power of Russia over the western coast of America from the Polar Seas to 54° 40′ of north latitude; * * *. In Article IV we allow the American States, though for no longer time than ten years, to trade and fish in places within our dominions: * * *."[b] He proceeded to show that the trade of the Americans had been allowed by the company as if it were a natural right, and that it was much more to the company's benefit that it should be carried on "by permission granted them by us in solemn Convention, as through this the Americans as solemnly recognize that after the expiration of the few prescribed years we shall have the legal right to prohibit both trade and fishing in this region."[c]

THE BRITISH NEGOTIATIONS OF 1824 AND 1825.

In the meanwhile the negotiations between Great Britain and Russia had been in progress. The letter of Mr. Canning to Sir Charles Bagot, dated January 15, 1824,[d] which directed the latter to pursue the negotiations separately from the United States, contained a review of the territorial question, and instructions as to the course to be followed. These had been prepared after Mr. Canning had consulted with Mr. Pelly, the deputy governor of the Hudson's Bay Company, who subsequently, on January 8, 1824, embodied the views of the company in a letter to the Foreign Office.[e]

In this communication, which was to form the basis of the instructions to Sir Charles Bagot and the guide to his conduct of the negotiations at St. Petersburg, Mr. Pelly stated that from information lately received it appeared that the traders of the Hudson's Bay Company were "extending their posts still farther to the west of the Rocky Mountains," and that there was a chain of trading stations on

[a] Appendix, p. 166.
[b] Appendix, p. 168.
[c] Appendix, p. 169.
[d] Appendix, p. 144.
[e] Appendix, p. 149.

the Mackenzie River as far north as 67°. He argued that, as Sitka was on an island, its occupation gave Russia no title to the opposite continent; but, even if she "had stations on the seacoast of the continent," that gave her no better title than Great Britain secured by the posts on the Mackenzie.

Mr. Pelly's letter continues:

From a want of accurate knowledge of the courses of the rivers or ranges of mountains, it is difficult to suggest any satisfactory boundary in the interior of the country in question, and (if consistent with your views) it might, perhaps, be sufficient at present to settle a boundary on the coast only and the country 50 or 100 miles inland, leaving the rest of the country to the north of that point and to the west of the range of the mountains which separate the waters which fall into the Pacific from those which flow to the east and north open to the traders of both nations.

In this case, I would suggest the northern end of the inlet called Chatham Straits as the most southern point at which the coast boundary ought to be fixed. This is but a little (if at all) to the north of the most northern trading station in the country to the west of the Rocky Mountains.

The islands lying to the west of Chatham Straits may be given to Russia; but the Russians not to trade either on the coast or in the interior south of the boundary, and the British not to trade on the coast north of it.

If it is considered proper to fix at present the interior boundary, I would suggest a line drawn from the above-mentioned point at Chatham Straits due north until it strikes the range of mountains which separate the waters (being the supposed continuation of the range called the Rocky Mountains), and thence to follow the ridge of these mountains to the Frozen Ocean.

This is the greatest concession which I think it would be advisable to make to Russia with regard to the interests of the British fur trade, and it would be desirable, as the means of preventing the risk of collision between the traders of the two nations, if Mount Elias on the coast at 60° north latitude was taken as the boundary point, from whence the line of longitude should be drawn.[a]

The notable points in this boundary proposition of the Hudson's Bay Company is that the coast line of demarcation should be at the "northern end of the inlet called Chatham Straits" (Lynn Canal); and from that point the line should run southward through Chatham Strait. As to the line inland from Lynn Canal the suggestion was to carry it due north to the Rocky Mountains and then along the range to the Arctic Ocean, but this is modified in the last paragraph by the suggestion that the line should run from Lynn Canal to Mount St. Elias before following a parallel of longitude.

It would seem that Mr. Pelly, in his conference with Mr. Canning, had to some extent varied this proposal, for the latter wrote that Mr.

[a] Appendix, p. 150.

Pelly suggested "either the channel between the islands [Chatham Strait], or that between the islands and the mainland [Stephens Passage] as the most desirable line of demarcation to the eastward."[a]

Another feature of Mr. Pelly's letter is the statement, "the Russians not to trade either on the coast or in the interior south of the boundary, and the British not to trade on the coast north of it." This is indicative of the attitude of the Hudson's Bay Company toward reciprocal trade privileges, which, though ultimately obtained because included in the treaty between the United States and Russia, were neither desired nor sought by the British fur company.

Having reviewed the relations of the three powers on the Northwest Coast, Mr. Canning stated to Sir Charles Bagot: "The Russian ukase contains two objectionable pretentions: First, an extravagant assumption of maritime supremacy; secondly, an unwarranted claim of territorial dominion."[b] As to the first, he said, that all that remained for negotiation was to clothe the disavowal of Russia, already made, in satisfactory terms. As to the second, the line suggested by Mr. Pelly would be most satisfactory, but, if that could not be secured, "then the line must be drawn on the mainland to the north of the northernmost post of the Northwest Company from east to west till it strikes the coast, and thence may ascend to whatever latitude may be necessary for taking in the island on which Sitka stands."[c]

Mr. Canning, still following the suggestions of the Hudson's Bay Company, proposed in a vague way that Russian territory south of the head of Lynn Canal should be confined to "50 or 100 miles from the coast," beyond which the Russian posts should not be extended to the eastward. "We must not on any account," he said, "admit the Russian territory to extend to the Rocky Mountains."[c] While the exact intent of Mr. Canning's proposal is very uncertain, it is important as the first suggestion of a strip of territory along the coast, which strip later developed into the *lisière* with a width of 10 leagues introduced into the negotiations and the treaty.

This letter of instructions was received, as has been said, by Sir Charles Bagot on February 9, 1824,[d] and one week later he had a con-

[a] Appendix, p. 145. The channels are named, as here stated, in the same paragraph from which the quotation is taken.

[b] Appendix, p. 147.

[c] Appendix, p. 148.

[d] Appendix, p. 68.

ference with the Russian plenipotentiaries, Count Nesselrode and M. de Poletica. At the outset it was agreed "that the question of strict right should be provisionally waived on both sides," and that the adjustment of their "mutual pretensions should be made upon the sole principle of the respective convenience of both countries." Having stated that he conceived the wishes and interests of Russia to be to secure her trade on the islands and coasts, and that the chief objects of Great Britain were "to secure the posts upon the continent belonging to the Hudson's Bay Company, the embouchures of such rivers as might afford an outlet for our fur trade into the Pacific, and the two banks of the Mackenzie River," Sir Charles proposed as a "boundary a line drawn through Chatham Straits to the head of Lynn Canal, thence northwest to the one hundred and fortieth degree of longitude west of Greenwich, and then along that degree of longitude to the Polar Sea." (For this proposed line see Map No. 3 in the Atlas accompanying this Case.)

This boundary line proposed by the British minister was substantially the one suggested by the Hudson's Bay Company. It differed from the one proposed by him during his conferences with M. de Poletica in October, 1823[a], in that it included Chichagof and Baranof islands within the Russian possessions, though transferring the boundary north of the head of Lynn Canal five degrees farther westward, presumably for the purpose of securing to Great Britain the entire valley of the Mackenzie. This oral proposal by Sir Charles was taken under consideration by the Russian plenipotentiaries, and at their next meeting, on February 24, they submitted a counter draft,[b] of which the substance is as follows: The line of demarcation on the coast was to be at 55° north latitude, the boundary of Russian possessions fixed by the ukase of 1799; but, since that would cut through the southern extremity of Prince of Wales Island, it was proposed to include the southern points within Russian territory. "To complete the line of demarcation and render it as distinct as possible, the plenipotentiaries of Russia have expressed the desire to make it follow Portland Channel [*le Portland Canal*] up to the mountains which border the coast. From this point the boundary would ascend along those mountains, parallel to the sinuosities of the coast, as far as the one hundred and thirty-ninth degree of longitude (meridian of London), the line of

[a] Appendix, p. 131. [b] Appendix, p. 158.

which degree, prolonged northward, would form the ulterior limit between the Russian and English possessions, to the north as well as to the east."

From this description of the proposed boundary it is clear that the Russian negotiators had before them a map which delineated a range of mountains following the curvatures of the coast from Portland Canal to 139° west longitude. Upon the charts of Vancouver, covering this region (see Maps Nos. 4 and 5 in the Atlas accompanying this Case), such a mountain range is laid down, and the cartographers, who followed his surveys closely, reproduced this feature also.

A map which is known to have been examined by Sir Charles Bagot and was undoubtedly used by the Russian plenipotentiaries, since it was issued officially by the Russian Government, was the one prepared by the quartermaster-general's department, and published in 1802.[a] (See Map No. 6 in the Atlas accompanying this Case.) An inspection of this map shows that it is to all intents a copy of the Vancouver charts, with a few names added and changed to correspond with the Russian nomenclature. The coast range of Vancouver is charted in detail, winding along the shores and around the inlets and bays from the 56th degree of north latitude to the 139th of west longitude. It is possible also that the Russian navigators had the French edition of the Vancouver atlas, which would show the mountains as depicted in the original English publication. No other maps of the time were on so large a scale as those, and it is to be presumed that in studying the geography of these regions for the purpose of determining an inland boundary the Russian officials sought the charts which dealt most in detail with the coast and islands. These were the Vancouver maps or those which were reproductions of them.

The natural inference from the circumstances is that the Russian map of 1802, or a subsequent edition of it, was the one before Count Nesselrode and M. de Poletica when they made their counter draft proposing the mountain range winding along the coast as the eastern boundary of the Russian possessions. An examination of this map will explain the meaning of the phrase "the desire to make it [the line of demarcation] follow Portland Channel [*le Portland Canal*] up to the mountains which border the coast."

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[a] Appendix, pp. 101, 127.

The counter draft states the intent of its authors in making this proposal for an inland boundary in the following paragraph:

> The principal motive which constrains Russia to insist upon sovereignty over the above-indicated lisière (strip of territory) upon the mainland (terre ferme) from Portland Channel to the point of intersection of 60° latitude with 139° longitude is that, deprived of this territory, the Russian American Company would have no means of sustaining its establishments, which would therefore be without any support (point d'appui) and could have no solidity.[a]

The monopoly of the Russian American Company was only of value so long as there were no trading establishments located in the vicinity of the islands and inland waters bordering the coast over which their grant of exclusive trade extended. While independent traders coasting along the shores were an annoyance to the company, they were not so serious a menace as a single trading post would have been, located upon the continental shore, to which the natives could bring their furs and from which white trappers could carry on their industry in the neighboring streams and rivers. It was to prevent this dangerous form of competition that the Russian plenipotentiaries proposed a *lisière* which would operate as a barrier to the further advance of the Hudson's Bay Company toward the coast and prevent the establishment of rival factories among the natives with whom the Russian company carried on its trade. The purpose of fixing an inland boundary, which should form such a barrier, had been recognized by M. de Poletica in his conferences with Count de Lambert in November, 1823,[b] as already noted.[c]

Sir Charles Bagot, in the amended proposal which he submitted after rejecting the counter draft of the Russian negotiators, stated of the proposed boundary that "a line of demarcation drawn from the southern extremity of Prince of Wales Island to the mouth of Portland Channel, thence up the middle of this channel until it touches the mainland (terre ferme), thence to the mountains bordering the coast, and thence along the mountains as far as 139° longitude, would deprive His Britannic Majesty of sovereignty over all the inlets and small bays lying between latitudes 56° and 54° 45′, whereof several (as there is every reason to believe) communicate directly with the establishments of the Hudson's Bay Company and are, consequently, of essential importance to its commerce; while, on the other hand, the Russian American

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[a] Appendix, p. 158.

[b] Appendix, p. 137.

[c] See *ante*, p. 29.

Company possesses no establishments on the mainland (terre ferme) between the two above-mentioned parallels, or even on Prince of Wales Island, or on the islands located between the latter and the mainland."[a]

The notable part in this statement by the British minister is that he objected to the proposed line since "it deprived His Britannic Majesty of sovereignty over all the inlets and small bays [*de toutes ces anses et de ces petites baies*] lying between latitudes 56° and 54° 54′." The reason why he confined his objection to the coast between these parallels becomes apparent upon reading the proposal for a boundary offered by him in the same document in which the foregoing quotation appears. The proposal is as follows: "In order to obviate this difficulty, and to insure to Russia the exclusive sovereignty of these waters, as well as all the islands and coasts where there are really Russian establishments, Great Britain would offer to accept as the line of demarcation between the territories of the two powers a line traced from the west toward the east along the middle of the channel which separates Prince of Wales and Duke of York islands from all the islands situated to the north of the said islands until it touches the mainland (terre ferme). Thence, extending in the same direction on the mainland to a point 10 marine leagues from the coast, the line would run from this point toward the north and northwest, parallel with the sinuosities of the coast, and always at a distance of 10 marine leagues from the shore, as far as the 140° of longitude (Greenwich), the prolongation of which it would then follow to the Polar Sea."[a]

Sir Charles, following that portion of his instructions which directed him to secure at least a line on the mainland as far north as the northernmost post of the Hudson's Bay Company west of the Rocky Mountains, which, according to Mr. Pelly's letter of September 25, 1822, was "the Rocky Mountain portage in 56° north latitude,"[b] proposed a line passing through Sumner Strait and reaching the shore of the continent in the neighborhood of Wrangell, about latitude 56° 30′. The Russian proposition for a *lisière*, he proposed to modify by limiting it to a fixed width of 10 marine leagues, at which distance the line should run north and northwest "parallel with the sinuosities of the coast, and always at the distance of 10 marine leagues from the shore

[a] Appendix, p. 159.

[b] Appendix, p. 109.

[*rivage*[a]] as far as the one hundred and fortieth degree of longitude." (See Map No. 3 in the Atlas accompanying this Case.) It would appear that this change of the inland boundary from the supposed mountain range to a uniform distance from the shore was in order to meet the direction of Mr. Canning in regard to limiting the Russian possessions south of Lynn Canal to 50 or 100 miles from the coast.

This third line proposed by the British minister was a decided departure from his former proposition. It added to the two islands Chichagof and Baranof the entire archipelago north of Prince of Wales and Duke of York islands.[b] The most important change, however, related to the continental possessions of Russia. By his first proposition Sir Charles had confined these possessions to the territory bounded by the Pacific Ocean, Cross Sound, Lynn Canal, and a line drawn northwest from the head of that inlet to the 139th degree of longitude. By his second proposition he had not increased this area in any respect but rather limited it by carrying the northern boundary to the 140th degree. But by his third proposition he extended this territory on the mainland as far southward as 56° 30′ of north latitude and eastward 10 marine leagues from the edge (*rivage*) of the continent.

In spite of the marked recession of the British plenipotentiary from his first two proposals, the Russian negotiators indicated no inclination to make like concessions. On the contrary, they maintained with firmness their proposition, in no way modifying or changing the boundary which they had laid down in their counter draft. They called attention to the advance of the establishments of the Hudson's Bay Company westward along the 53d and 54th parallels, and of those of the Russian American Company southward; and stated that, while the latter may not have "yet made permanent establishments on the mathematical line of the fifty-fifth degree * * * it regularly oc-

[a] Appendix, p. 159. "RIVAGE: Les rives, les bords de la mer. BORD: L'extrémité d'une surface, ou ce qui la termine. *Le bord d'une robe, les bords d'un précipice.*" (Dictionnaire de L'Académié Française, 6me édition, Paris.) *Rivage* is derived from the Latin word *ripa*, bank, the line where water ends and land begins. The word *shore*, which correctly interprets it, is literally "that which is shorn off, edge;" it is "the edge or margin of the land." (The Century Dictionary; Webster's International Dictionary.)

[b] The two islands, now known as Zarembo and Etolin, were charted in the early maps as one island, named Duke of York. See Map No 2 in the Atlas accompanying this Case.

cupies the islands and neighboring coasts during the season which allows it to send its hunters and fishermen there." By way of contrast to this assertion they declared, "it can not be proved they [the establishments of the Hudson's Bay Company] reach the Great Ocean at any point."[a]

Having thus shown that the interests of Russia extended as far south as 55°, the Russian negotiators emphasized to the British minister the importance to Russia of a continental *lisière* in the following words: "The plenipotentiaries of Russia have the honor to repeat to him that without a lisière upon the continental coast, starting from Portland Channel, the Russian establishments on the islands in the vicinity would have no support (point d'appui); that they would be at the mercy of the establishments which strangers might form upon the mainland, and that any such arrangement, far from being founded upon the principle of mutual accommodations, would but offer dangers for one of the parties and exclusive advantages for the other."[a]

What Russia dreaded, as has been said, was the location of rival trading posts on the coast, and it would seem that Great Britain, or rather the Hudson's Bay Company, desired to secure possession of the coast for that very purpose. In the counter draft submitted to Sir Charles Bagot at the second conference Russia had offered the British subjects "the free navigation of all the rivers which empty into the ocean through the said lisière."[b] If the sole object of insisting upon the territory lying on the coast was to obtain egress and ingress to and from the ocean, the unlimited privilege proposed by Russia would have been sufficient. The inferable conclusion is that another and a stronger motive induced the British plenipotentiary to ignore this proposal and insist on possession of the coast as far north as 56° 30′—namely, the opportunity that such territory would offer for erecting trading posts by which some portion of the lucrative fur trade carried on by the Russians could be diverted to the Hudson's Bay Company. Such a conclusion must have been reached by the representatives of Russia and induced them to unswervingly demand a territorial "barrier" against the nearer approach of British settlements.

The language, in which the observations of the Russian plenipotentiaries had been couched, was distasteful to Sir Charles Bagot, since it termed concessions by Russia what Great Britain claimed as rights,

[a] Appendix, p. 161. [b] Appendix, p. 158.

and he vigorously protested against it, at the same time rejecting again the line proposed by Russia.[a] He asserted that His Britannic Majesty could not, "without sacrificing the interests of the [Hudson's Bay] company, renounce his rights of sovereignty over the coast and the islands directly dependent thereon, as far as 56° 30′ of north latitude;" that the "head of Portland Channel may be, as there is reason to believe, the mouth of some river flowing through the midst of the country occupied by the Hudson's Bay Company;" and that it was "consequently of great importance to Great Britain to possess the sovereignty of the two shores thereof."

In view of these statements Sir Charles then laid before the Russian plenipotentiaries, at a meeting held about March 17, a paper which contained what he gave them to understand was his "ultimate proposition."[b] It was as follows: "It seems that a line drawn from the southern extremity of the strait called 'Duke of Clarence's Sound,' through the middle of this strait to the middle of the strait which separates Prince of Wales and Duke of York islands from all the islands lying north of those islands, thence toward the east through the middle of the same strait to the mainland, to be prolonged afterwards in the direction and manner already proposed by his Britannic Majesty's plenipotentiary as far as Mount Elias or to the intersection of the 140th degree of longitude, would form a line of demarcation which would conciliate the mutual convenience of the two parties, and which would perhaps satisfactorily assure the reciprocal interests, both present and future, of the two empires in that part of the globe."[a]

This fourth line of demarcation (see Map No. 3 in the Atlas accompanying this Case) proposed by the British minister did not change the continental boundary, but added Prince of Wales Island to the Russian possessions. It reserved to Great Britain "the two shores" of Portland Canal and "the coast and the islands directly dependent thereon as far as 56° 30′ of north latitude," the territory which he deemed to be necessary to the interests of the Hudson's Bay Company.

Ten days passed before the plenipotentiaries of Russia submitted a reply to this last proposition of Sir Charles Bagot.[b] In it they stated that the proposals had been examined by the Emperor, who had charged them to repeat to the British plenipotentiary:[c] "That the

[a] Appendix, p. 163.
[b] Appendix, p. 156.
[c] Appendix, p. 164.

possession of Prince of Wales Island without a slice (portion) of territory upon the coast situated in front of that island could be of no utility whatever to Russia. That any establishment formed upon said island, or upon the surrounding islands, would find itself, as it were, flanked by the English establishments on the mainland and completely at the mercy of these latter. * * * That finally, as to the navigation of the rivers, Russia believed that she had offered to Great Britain all the advantages and concessions that the latter could desire. And that, in view of this state of things, the plenipotentiaries of His Imperial Majesty had received orders to insist upon their previous proposals, the reasons for which proposals they had fully explained to his excellency Sir Bagot."[a]

Undoubtedly the Russian Government was willing to delay negotiations with Great Britain because of the expectation of the signature of a treaty with the United States. The negotiations with Mr. Middleton were approaching a satisfactory conclusion, and a line of demarcation on the coast at 54° 40′ north latitude had been substantially agreed upon. The solemn recognition of that line by the United States in a treaty provision would add strength to the position of Russia, that her continental possessions should extend as far south as that parallel.

Sir Charles Bagot, finding that the decision of the Russian plenipotentiaries was final, announced that, as he had already exceeded his instructions, he must consider the negotiations necessarily ended, so far as the question of territorial demarcation was concerned.[b] Count Nesselrode asked to have the final decision submitted to the British Government, expressing the hope that Sir Charles would receive further instructions which would meet the Russian views. This the latter said he would do, but suggested that the maritime question, "which would not admit of equal postponement," should be adjusted in the meanwhile. Count Nesselrode replied "that if the territorial arrangement was not completed he did not see the necessity of making any arrangement respecting the maritime question." Sir Charles, surprised by this attitude of the Russian negotiator, argued that Russia had already engaged to retract her pretension of dominion over the sea; but his efforts were unavailing, and the conference ended without action upon this point.

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[a] Appendix, p. 165.

[b] Appendix, p. 156.

The British minister, in reporting to the Foreign Office the course and failure of the negotiations, said: "I ought to state that, notwithstanding this unexpected observation of Count Nesselrode, I do not at all believe that, had we been able to agree upon our southern line of demarcation, we should have found any real difficulty either as regards the retraction of the maritime pretension, or as regards our western boundary, or any of the other minor details which we should have been called upon to adjust." [a]

The territorial controversy, through the gradual withdrawal of the British demands as shown by the four lines of demarcation proposed by Sir Charles Bagot (see Map No. 3 in the Atlas accompanying this Case), had shrunk to a dispute over the possession of an irregularly shaped section of the continent bounded on the east by Pearse and Portland Canals and a presumptive chain of mountains, on the north by a line extending from a point on the coast, about latitude 56° 30′, to the mountain range, and on the west by the indented continental shore line, together with the islands lying between Clarence Strait and the mainlaind from 54° 40′ to 56° 30′ and those situated north and west of Portland Canal and between it and the continent.

Shortly after the signature of the treaty between the United States and Russia, April 5 17, 1824, Count Nesselrode reviewed in a letter to Admiral Mordvinof the progress of the negotiations with both the United States and Great Britain.[b] He stated that Russia sought the interests of the Russian American Company, and that "Great Britain, on her part, represents the rights of the Hudson's Bay Company." Having set forth the danger of "disagreeable consequences" arising from the extension of the settlements of both companies along the 55th parallel, he continued: "For this only one expedient presents itself—to establish at some distance from the coast a frontier-line which shall not be infringed by our establishments and trappers, as also by the hunters of the Hudson's Bay Company. The plenipotentiaries on both sides equally recognized the necessity of this measure; but the width of the coast-line necessary for the safe existence and consolidation of our Colonies, the direction of the frontier, and even its starting point on the Continent of America, still form subjects of negotiation, and the British Ambassador has declared that for continuing them he must seek new instructions from his court." [c]

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[a] Appendix, p. 156.

[b] Appendix, p. 166.

[c] Appendix, p. 167.

This statement shows beyond controversy the purpose of establishing a *lisière* upon the continent. It was, as has been said, to create an unbroken barrier along the entire water-front of the continent.

Count Nesselrode further called the attention of his correspondent to the fact, "that, in accordance with contemplated plans, these settlements [i. e., colonies] after the line of frontier has been fixed, will acquire recognized and undisputed possession of a considerably extensive zone of country."[a] This statement is in answer to Admiral Mordvinof's assertion that "seaboard colonies require for their welfare, not only the control of the shore," but broad lands on the mainland.[b] At the time Count Nesselrode wrote, Russia had taken a decided position as to the *lisière*, from which she did not afterwards recede; and, when he termed this *lisière* "a considerable extensive zone of country," he showed that it was his understanding that no inconsiderable area on the continent would be secured if the proposed boundary was accepted by Great Britain; while the expression, "recognized and undisputed possession" indicated his views of the territorial rights which Russia would obtain.

The dispatch of Sir Charles Bagot announcing the failure of the negotiations at St. Petersburg was received at the Foreign Office on April 14, 1824. On the 24th Mr. Canning wrote approving his suspension of the conferences and stating that he had "referred the whole question of this negotiation anew to the Governors of the Hudson's Bay Company, whose Report" he expected shortly to receive. He added: "I have some reason to think that that Report will recommend the policy of closing with the Russian proposals rather than leaving the points in dispute unsettled for an indefinite time."[c]

Toward the latter part of May the Russian minister at London, who had been previously apprised of the suspension of the negotiations at St. Petersburg, received a dispatch from his government outlining its attitude in the controversy.[d] In this communication Count Nesselrode stated the *lisière* proposed by Russia, and in explaining the southern boundary used the following language: "We proposed to carry the southern frontier of our domains to latitude 54° 40′ and to make it abut upon the continent at the Portland Canal, of which the opening into the ocean is at the same latitude as Prince of Wales

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[a] Appendix, p. 167.
[b] Appendix, p. 152.
[c] Appendix, p. 175.
[d] Appendix, p. 172.

Island, and which has its origin inland between 55° and 56° of latitude."[a]

This statement locates definitely and beyond controversy the line of demarcation between the British and Russian possessions until it reaches the mainland. After reciting in detail the relative interests of the Russian American and Hudson's Bay companies in the disputed territory, which "appear insignificant on the map at first glance," he summarized in the following sentence the purposes of the negotiation: "Thus we wish to *keep* and the English companies wish to *obtain*."[a]

He argued the weakness of the British claim, as shown by the lack of settlements on the coast; that Great Britain, by the treaty of 1818, had admitted that the claim of the United States was as valid as hers; and that the latter power had, by the treaty recently signed, fixed the Russian boundary at 54° 40′. He declared: "Russia can not stretch her concessions further. * * * Russia, when she insists on conserving a moderate expanse of the mainland (terre firme), only insists fundamentally upon the means of utilizing—we can better say, of not losing—the environing islands."[b]

Count Lieven at once laid this dispatch before Mr. Canning, who, on May 29, notified the former that Sir Charles Bagot would be given discretion to enable him to admit the line of demarcation on the coast proposed by Russia, with certain qualifications which he stated as follows: "The qualifications will consist chiefly in a more definite description of the limit to which the strip of land required by Russia on the continent is to be restricted; in the selection of a somewhat more western degree of longitude as the boundary to the northward of Mount Elias; in precise and positive stipulations for the free use of all rivers which may be found to empty themselves into the sea within the Russian frontier, and of all seas, straits, and waters which the limits assigned to Russia may comprehend. It can hardly be expected that we should not also put in our claim for the like privileges of trade as are, or may be, stipulated with Russia by any other nation; and we take for granted that the exclusive claims of navigation and jurisdiction over the North Pacific Ocean, which were put forward in the Ukase of September, 1821, are to be altogether withdrawn."[c]

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[a] Appendix, p. 173.

[b] Appendix, p. 174.

[c] Appendix, p. 180.

In announcing to his Government the acquiescence of Great Britain to the Russian proposals, Count Lieven stated that Mr. Canning assured him "that he had found the greatest difficulty in gaining the consent of the Hudson Bay and Northwest Companies to the plan of demarcation proposed." The Russian minister informed Mr. Canning of the needlessness of demanding "the free use of the rivers inclosed in the Russian possessions" and of the freedom of the seas, since the first had been already offered and the second was settled by the treaty with the United States, but the British secretary desired to have them appear as demands on the part of his government.[a]

The same day (May 29) Mr. Canning sent to Sir Charles Bagot copies of his letter to Count Lieven and of Count Nesselrode's dispatch, stating that definite instructions would soon be forwarded to him.[b] It was, however, not until July 12 that these were sent, together with a proposed draft of treaty embodying the modifications of the Russian proposal desired by Great Britain.[b] In the instructions Mr. Canning, after conceding the southern boundary at 54° 40′, said that there were two points to be settled by the British negotiator, namely, to fix "the eastern boundary of the strip of land to be occupied by Russia on the coast" at the "seaward base of the mountains," and to secure the proviso that the line "should in no case * * * be carried further to the east than a specific number of leagues from the sea."[b]

He gave as the grounds for requiring this provisional limitation the former experience of Great Britain as to the inaccuracy of maps in laying down mountains, and that, although the mountains under discussion "appear by the map almost to border the coast," they may turn out "to be far removed from it." As to the width of the *lisière*, Mr. Canning said that the "utmost extent which His Majesty's Government would be disposed to concede would be a distance of 10 leagues."[b]

The treaty inclosed is in substance as follows: A stipulation for the free navigation of the Pacific and Arctic oceans; a delimitation of a boundary similar to the one finally agreed upon, with the exception that the eastern frontier of the Russian possessions was to be "at or within the seaward base of the mountains" bounding the coast; a pro-

[a] Appendix, p. 179. [b] Appendix, p. 180.

viso that the *lisière* should not extend more than —— marine leagues in breadth from the sea toward the interior; a stipulation opening forever the port of Sitka to commerce and granting forever to British subjects free navigation along the coasts and islands through these rivers which crossed the *lisière;* an agreement for reciprocal trade privileges on the coasts of either party for the space of —— years, excepting trade in liquors, weapons, and gunpowder; and that no establishments should be formed by the subjects of either power within the territory of the other.[a]

At the time or soon after the transmittal of this draft to Sir Charles Bagot, Mr. Canning submitted a copy to Count Lieven,[b] who, in a memorandum on the subject, objected to the boundary running along the base of the mountains, for the reason that, as a general rule, when a chain of mountains served to fix a frontier line the summit was employed, and that, in the case under consideration, the word *base* was of too indefinite a meaning, "for," he added, "it is certainly not among the impossibilities, in view of the uncertain ideas yet prevalent in regard to the geography of these regions, that the mountains chosen for the boundary line should extend, by an imperceptible declivity, to the very edge of the coast."[c]

Mr. Canning, evidently impressed by the soundness of the Russian minister's observations, wrote Sir Charles Bagot, on July 24,[d] that no great inconvenience could arise from "consenting to substitute the summit of the mountains instead of the seaward base, provided always that the stipulation as to the extreme distance from the coast to which the *lisiere* is in any case to run, be adopted, * * * and provided a stipulation be added that no forts shall be established or fortifications erected by either party on the summit or in the passes of the mountains." Count Lieven four days later informed his government of his action regarding the treaty draft.[e]

On September 9, 1824, a dispatch was received at the Foreign Office, from the British minister at St. Petersburg, announcing that after two meetings with the Russian plenipotentiaries he had ascertained that it was "totally impossible" to conclude a treaty at all reconcilable with the draft forwarded to him.[f] He stated that the differences lay in the clauses relating to Sitka, the perpetual right of navigation and trade

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[a] Appendix, pp. 182–185.
[b] Appendix, p. 187.
[c] Appendix, p. 189.
[d] Appendix, p. 187.
[e] Appendix, p. 186.
[f] Appendix, p. 190.

along the *lisière*, and the liberty to visit other portions of the coast; and that Russia was willing to grant trade privileges for ten years between Portland Canal and the 60th parallel, and to grant forever the right of ingress and egress into and from the rivers flowing across the *lisière*; but that in the Russian view a perpetual concession of trade and navigation "was repugnant to all national feeling and was inconsistent with the very idea of sovereignty."[a] Sir Charles, discouraged by the impossibility of harmonizing these differences with his instructions, as is evident from the tone of his dispatch, brought the negotiations abruptly to an end. He was no longer to take part in the controversy, being soon after transferred to The Hague.

In the dispatch announcing the failure of his second negotiation, the British minister inclosed a counter draft of treaty delivered to him by the Russian plenipotentiaries[b] which embodied the limitations as to navigation and trade which he had reported. In this counter draft also the arrangement of the subjects of negotiation was changed, the territorial delimitation being given the first place, the reciprocal trade privileges being second, and the guaranty of free navigation of the Pacific coming last, while in the preamble the boundary appeared to be the prominent subject. Article I, which relates to the boundary, in tracing the line from its commencement to the head of Portland Canal, is similar in its provision to that in the draft by Mr. Canning. From that point, however, the Russian article provided that the line should "be carried along the coast, in a direction parallel to its sinuosities," as far as the 139th degree. All reference to the summit or base of mountains is omitted. Article II reads as follows: "The *lisière* (strip of territory) on the northwest coast belonging to Russia, from Portland Channel to the point of intersection of the 139th degree of west longitude (meridian of Greenwich), shall not be wider on the continent than 10 marine leagues from the shore of the sea [*bord de la mer*]."[c]

It should be borne in mind that Sir Charles Bagot in his third and fourth boundary propositions[d] had met the Russian proposals[e] of a frontier along the coast range of mountains by suggesting a line "*toujours à la distance de 10 lieues marines du rivage.*" Count Nesselrode in explaining the provision of his counter draft to Count Lieven

[a] Appendix, p. 191.
[b] Appendix, p. 193.
[c] Appendix, p. 194.
[d] Appendix, pp. 159, 163.
[e] Appendix, pp. 158, 161.

said: "It abolishes the establishment [*la désignation*] of the mountains as the boundary of the strip of mainland which Russia would possess on the American Continent, and limits the width of this strip to 10 marine leagues, in accordance with the wishes of England."[a] In a memorandum regarding the counter draft he further said: "We have suppressed all mention of the mountains which follow the sinuosities of the coast. It became useless from the moment that one [of the articles] fixed the width of the strip of mainland which would belong to Russia in marine leagues."[b]

It would appear that Count Nesselrode had concluded from the draft of treaty handed to him by Sir Charles Bagot that the provisions defining the *lisière* had been drawn so as to harmonize the Russian mountain frontier and the British limit of 10 leagues. Presumably the map of the quartermaster-general's department, the Vancouver maps (see Maps Nos. 4, 5, and 6 in the Atlas accompanying this Case), or copies of them were before him. An examination of these shows that the mountain chain along the coast and a line 10 leagues from the shore practically coincide. Under such circumstances to employ both methods was useless and might cause confusion and controversy, and therefore, to meet what he conceived to be the real desire of Great Britain as expressed by her minister at St. Petersburg, he substituted for the Russian proposal a *lisière* uniformly 10 leagues in width.

The communication, in which Count Nesselrode discussed the counter draft of Russia, was sent to Count Lieven on September 25,[c] and the latter was authorized to read it to Mr. Canning and to give him a copy of it.[d] It was prepared, therefore, as a document to form part of the negotiations, and not as a confidential note to the Russian minister. Count Nesselrode stated the three proposals of Great Britain, which it was "utterly impossible" to accept, to be: Liberty to British subjects to hunt, to fish, and to trade with the natives *perpetually* on the coast between 54° 40′ and 59°; a similar privilege for ten years north of 59°; and the permanent opening of the port of Sitka.[d]

He proceeded to show that Russia could not grant to Great Britain privileges just refused to the United States; that British subjects had

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[a] Appendix, p. 204.
[b] Appendix, p. 206.
[c] Appendix, p. 200.
[d] Appendix, p. 201.

"never pushed either their establishments or commercial operations as far as the Northwest Coast," and that if the Hudson's Bay and the North-West Companies had approached the coast it was only within the preceding three years,[a] "whereas the American subjects"—to use his own language—"have constantly frequented these waters, and it is their enterprises that have given rise to the discussions which we are laboring to terminate."[b]

"We offer the same advantages," he continued, "to England, but to grant them forever would be to obtain the recognition of our rights of sovereignty only to abandon the exercise of them. It would be consenting to possess hereafter only in name what we now possess in fact."[c] Having declined to incorporate in the treaty to be signed the trade stipulations which Great Britain asked, Count Nesselrode called attention to the fact that, in accordance with her wishes, the counter draft opened "to British subjects the navigation of all the rivers crossing the strip [*lisière*]," and secured to them "advantages equal to those obtained by the subjects of the United States," while it virtually repealed the ukase of September 4, 1821.[d]

Before this dispatch had been forwarded, Mr. Canning, on September 12, expressed to Count Lieven his regret and surprise at the failure of the negotiations at St. Petersburg, and earnestly desired him to secure from his government full powers to conclude and sign a treaty at London, and he asked this in order that the question might be settled before Parliament met.[e] This note Count Lieven forwarded to St. Petersburg on October 1, 1824.[f] On September 13 Mr. Canning wrote to Mr. Ward, the chargé at St. Petersburg, directing him to urge Count Nesselrode to furnish Count Lieven with authority to negotiate and sign a convention, giving the same reason which he had given to the Russian minister.[g]

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[a] Count Nesselrode may here refer to the letter of Mr. Pelly, dated September 25, 1822, which gives the location of the posts of the Hudson's Bay Company west of the Rocky Mountains. (See Appendix, p. 109.) Or the reference may be to the date of "the latest English maps," which he had just mentioned in a sentence preceding the one quoted. (See Appendix, p. 201.)

[b] Appendix, p. 201.

[c] Appendix, p. 202.

[d] Appendix, p. 204.

[e] Appendix, p. 206.

[f] Appendix, p. 208.

[g] Appendix, p. 207.

Meanwhile Mr. Stratford Canning had retired from the mission at Washington and returned to London, and in November or December he was commissioned as plenipotentiary to proceed to St. Petersburg and conclude a treaty.[a] What motive induced Secretary Canning to change his mind so suddenly as to the place of negotiation, the correspondence does not disclose. Mr. Stratford Canning in his instructions, which were dated December 8, 1824,[a] received copies of the treaty draft furnished to Sir Charles Bagot,[b] the counter draft drawn up by the Russian plenipotentiaries,[c] and the dispatch of Count Nesselrode dated August 31, 1824.[d] He had already perused the correspondence which had passed upon the subject between the two governments.[a]

The Secretary for Foreign Affairs, in these instructions, emphasized in the strongest terms that the essential point to be secured by the British envoy was the formal abandonment by Russia of her maritime pretensions. For that reason he was unwilling to consent to the transposition of subjects proposed by the Russian counter draft. Such expressions as the following disclose his attitude in this matter: "The whole negotiation grows out of the ukase of 1821. * * * The settlement of the limits of the respective possessions * * * was proposed by us only as a mode of facilitating the adjustment of the difference arising from the ukase. * * * It is comparatively indifferent to us whether we hasten or postpone all questions respecting the limits of territorial possession, * * * but the pretensions of the Russian ukase of 1821 to exclusive dominion over the Pacific could not continue longer unrepealed.[e] * * * "It [the negotiation] is *not* on our part essentially a negotiation about limits. It is a demand of the repeal of an offensive and unjustifiable arrogation of exclusive jurisdiction over an ocean of unmeasured extent.[f] * * * We negotiate about territory to cover the remonstrance upon principle. * * * If the territorial arrangements are not satisfactory, we are ready to postpone them, and to conclude and sign the essential part, that which relates to navigation alone. * * * But we are not prepared to defer any longer the settlement of that essential part of the question."[g]

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[a] Appendix, p. 208.
[b] Appendix, p. 182.
[c] Appendix, p. 193.
[d] Appendix, p. 195.
[e] Appendix, pp. 208, 209.
[f] Appendix, p. 211.
[g] Appendix, p. 212.

Thus Secretary Canning clearly demonstrated that although Sir Charles Bagot had substantially confined his negotiations to the question of the demarcation of a boundary line, it was not the British Government, but the Hudson's Bay Company which had given to it such prominence. The territorial question had accomplished the purpose of its introduction by Great Britain, through having secured a revocation of the ukase, although the London Government had been forced to abandon one position after another, until the original and only proposal of Russia was adopted with the one exception of the limitation of the width of the *lisière* to 10 marine leagues.

Upon this point Mr. Canning said that Russia had first proposed the summit of the mountains as the eastern boundary, and that Great Britain had only suggested the limitation to 10 marine leagues as corrective of errors on the map. He entirely ignored the fact that Sir Charles Bagot had in his last two proposals substituted this definite width for the Russian possessions, omitting all reference to the mountains. There was soundness in his argument that "it is quite obvious that the boundary of mountains, where they exist, is the most natural and effectual boundary;" though this statement would have no force if the mountains were not a continuous chain, dividing land areas much lower in altitude than the crest of the range. He referred to the difficulties which had arisen between the United States and Great Britain in settling the northeastern boundary of the former, through the inaccuracy of a map in locating mountains, upon which map both nations had relied; and he expressed the fear that by taking the mountain range supposed to run along the coast, Great Britain might grant to Russia "immense tracts of inland territory" where she "only intended to give," and Russia "only intended to ask, a strip of seacoast."[a]

It is noteworthy that Mr. Canning recognized that the intention of Great Britain and the intention of Russia in regard to the extent of the *lisière* coincided. The intention of Russia was to secure a land area which would form a bulwark to her coasts and inland waters; and from Mr. Canning's statement it was such a territorial barrier that Great Britain intended to grant. It is probable that Mr. Canning perceived that the fixation of the boundary at an unvarying distance

[a]Appendix, p. 210.

of 10 marine leagues might grant to Russia the eastern slopes of the coast range, by which the latter would secure an advantageous position in case of war between the two countries and an absolute control of the passes. On the other hand, inserting the conditional limitation, Great Britain would control the passes and western face of the range wherever its distance from the shore exceeded 10 leagues, and in no case would Russia possess posts east of the summit.

In accordance with his views as to the desirability of using as a boundary natural landmarks where they exist, and since Mount St. Elias had been mentioned by both parties for the commencement of the line running due north to the Arctic Ocean, he proposed that that line should follow the 141st meridian of longitude instead of the 139th, because the former fell more directly upon that peak.[a]

Mr. Stratford Canning under these instructions proceeded to St. Petersburg and, on February 12, 1825, he held a conference with Count Nesselrode and M. de Poletica,[b] submitting to them a draft of treaty prepared at the Foreign Office before his departure,[c] which was taken under consideration by the Russian plenipotentiaries. This draft corresponded with the instructions given the British envoy in the arrangement of subjects, the limitation of the width of the *lisière*, and the concession of the Russian restrictions upon trade and navigation to ten years. The draft was considerably altered by the Russian negotiators, but rather in language than in its essential features,[d] for it embodied substantially every point for which Russia had contended, except as to the privilege of trade for ten years along her coast, a privilege which Great Britain would not have insisted upon but that it already had been granted to the United States.[e] With some changes of phraseology and division of articles a treaty was finally agreed upon and signed on February 16 28, 1825,[f] which was forwarded to London on the following day.[g]

The British plenipotentiary reported very briefly concerning the discussions,[g] but Count Nesselrode in informing Count Lieven that his "negotiations with Mr. Stratford Canning" had been "crowned with success"[h] stated that the only point of difference had been in

[a] Appendix, p. 211.
[b] Appendix, p. 212.
[c] Appendix, p. 215.
[d] Appendix, p. 220.
[e] Appendix, pp. 75, 180.
[f] Appendix, p. 14.
[g] Appendix, p. 223.
[h] Appendix, p. 225.

regard to the *lisière*, Russia desiring the mountain range as a boundary and Great Britain insisting upon the conditional limitation which she had proposed. He reiterated this statement when the ratification of the treaty was forwarded to London for exchange, desiring Count Lieven to call the attention of Secretary Canning to the magnanimous course of the Emperor in yielding this point.[a]

Mr. Canning, to whom the Russian minister read this latter dispatch,[b] excused the insistence of Great Britain by again referring to the dispute with the United States concerning their boundaries on the eastern side of the continent, and stated "that it arose solely from a sincere desire to prevent the recurrence of any disagreeable discussion in future, and not from any intention of acquiring an increase of territory or limiting the extension of the Russian possessions." This statement is of much importance, since the British Secretary was fully cognizant that Russia had obtained the *lisière* as a means of protecting the interests of the Russian American Company on the shores of the inland waters.

Although Mr. Stratford Canning does not appear, from the correspondence available, to have placed in writing any interpretation upon the treaty which he had signed, he gave a verbal explanation of it which, on March 1, 1825, Mr. Middleton reported in detail to the American Secretary of State.[c] On that day, which was the day following the signature of the treaty, the British envoy had an interview with the American minister. From the latter's report it is apparent that a copy of the convention was not shown him, but its contents were explained to him by Mr. Canning, and, therefore, in repeating Mr. Canning's language he gave the latter's understanding of its terms. Mr. Canning's version of the third article, which defined the boundary line agreed upon, Mr. Middleton reported as follows:

"The third article of this convention establishes the line of demarkation between the possessions of the two powers upon the Continent and Islands, as follows: It begins at the southernmost point of Prince of Wales' Island (about 54° 40′), leaving the whole of that island to Russia. It follows the strait called Portland Passage up to the fifty-sixth degree; then turns eastward upon that latitude until it touches the

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[a] Appendix, p. 226. [b] Appendix, p. 230.

[c] Appendix, p. 224.

highest ridge of the chain of mountains lying contiguous to and nearly parallel with the coast; it follows that ridge up to the sixtieth degree, and then takes the direction of that degree of latitude until its intersection with the one hundred and forty-first degree of longitude west of Greenwich; thence it follows that meridian north to the Icy Sea. But in case the ridge of the mountain lying parallel with the coast shall be more than 10 marine leagues from the shores of the continent, then the distance of 10 marine leagues from the shore is to be considered as the boundary of the Russian possessions upon the continent."[a]

The interpretation placed upon this article by its negotiator shows clearly the course of the line intended by the terms of the treaty, as well as the extent of the *lisière* which it established. The notable features of Mr. Canning's statement are, that the line from the head of Portland Canal turns *eastward* to the range of mountains; that the word "shores," in describing the width of the *lisière*, supplants the word "coast" used in the treaty, although the latter is retained in referring to the mountain range; and the statement that the boundary line follows the mountain ridge up to the 60th parallel of north latitude and then takes the direction of that degree until it intersects the 141st parallel of west longitude.

This explanation of the article fixing the boundary, while it differs in language from the treaty, agrees with it if it is interpreted naturally and with knowledge of the discussions which had preceded its signature, and were explanatory of the protective character of Russia's possessions on the continent.

RESULTS OF THE NEGOTIATIONS.

The negotiations, the progress of which has been traced herein from the promulgation of the ukase of September 4 16, 1821, to their culmination in the treaties of April 5 17, 1824, and of February 16 28, 1825, disclose: (1) The motive which impelled the Imperial Government to issue the ukase; (2) the respective interests of the United States, Great Britain, and Russia on the Northwest Coast of America; (3) the objects sought by each of the three powers in the negotiations; and (4) to what extent each nation secured its objects.

(1) The ukase of September 4, 1821, was promulgated just prior to the rechartering of the Russian American Company, for the purpose

[a] Appendix, p. 224.

of preventing the infringement of the monopoly of the company by prohibiting the visitation of vessels, other than those of the company, to the coast and islands granted to it as far south on the American side of the Pacific Ocean as 51° north latitude, and by forbidding such vessels from approaching within 100 Italian miles of the continent or islands. The immediate cause was the presence of trading vessels of the United States, which had for many years resorted to these regions in large numbers to trade in furs.

(2) The interests of Russia upon the Northwest Coast were those of the Russian American Company, which possessed under its charter the rights of exclusive trade, colonization, and governmental administration in the regions covered by the grant. The interests of the Russian American Company were confined to the extension and prosecution of the fur trade.

The interests of the United States and Great Britain were of two sorts, the first related to navigation in the Pacific Ocean, Bering Sea, and the Arctic Ocean; the second, to the fur trade. The American industry was carried on by independent traders who in vessels visited the coast and islands claimed by Russia. The British fur trade in these regions was prospective of the extension westward of the operations of the Hudson's Bay Company, which had been granted a monopoly of the trade in all the American territory of Great Britain not included within the crown provinces. This company at the time of the negotiations had three trading stations upon the western slopes of the Rocky Mountains between 54° and 56° north latitude, and it was to its interest to secure egress to the Pacific Ocean which would afford an opportunity to establish posts on its shores in the future.

(3) The United States and Great Britain, the two leading maritime powers of the period, were equally interested in preserving the free navigation of the high seas, and it was, therefore, important for their commercial interests that the extensive maritime jurisdiction assumed by the Russian ukase should be renounced.

The United States sought to maintain for its citizens the freedom of trade with the natives which they had enjoyed for thirty years prior to the issuance of the ukase; and as their operations were carried on by means of vessels, to secure their free access to the inland waters of the Northwest Coast and its islands. It was also for the interest of the United States in case freedom of trade and navigation of the inland

waters was restricted, to fix the southern boundary of Russia at as high a parallel of latitude as was possible.

Great Britain, acting solely on behalf of the Hudson's Bay Company, had no object in obtaining liberty to enter the territorial waters and trade with the natives of the Russian possessions, since her subjects did not approach those regions from the seaward side. But, as the accepted rule of international law at that period granted to the nation possessing by occupation a continental coast the drainage basins of all rivers entering the ocean through its possessions, it was, therefore, of first importance to Great Britain to confine the Russian territory as far to the north as possible on the coast, and thus secure a large area for the future operations of the Hudson's Bay Company and an uninterrupted outlet for its furs to the Pacific. It was, moreover, an object of Great Britain to limit the territory which would accrue to Russia from extensive littoral possessions by establishing its eastern boundary to the westward of the Rocky Mountains, thereby giving an opportunity for the Hudson's Bay Company to operate northward from its western posts, and preventing the approach of Russia to the company's stations on the Mackenzie River. "We must not on any account admit the Russian territory to extend at any point to the Rocky Mountains" is the central idea of the instructions sent to Sir Charles Bagot. Grant to her "50 or 100 miles from the coast," but do not permit her boundary to be drawn nearer to those mountains.

The object of Russia in the negotiations was the same as that which she had sought by the ukase of September 4, 1821, the efficient protection of the Russian American Company in its monopoly of the fur trade. The chief menace to the interests of the company was in the establishment on the islands or the neighboring mainland of foreign settlements, to which the natives who carried on trade with the Russian American Company might take their furs, or from which rival hunters and trappers could be sent out to capture the fur-bearing animals. The first purpose, therefore, was to prevent such settlements, whether established by Americans coming from the sea or by the Hudson's Bay Company approaching from the land. To avoid this danger it was necessary to obtain a boundary south of the archipelago and coast where the Russian American Company carried on its operations, to the north of which no foreign settlements should be established, either on the islands or mainland; and also to fix upon a

boundary at a sufficient distance from the continental shores inhabited by the natives, or to which they were accustomed to resort in hunting, to prevent the Hudson's Bay Company from reaching the coast and erecting rival posts there.

While the principal dangers to be guarded against were settlements as bases of trade operations, the presence of foreign trading vessels caused an undesirable competition, and the traffic in firearms and liquor demoralized the natives. To suppress, or at least restrict, trade of this character was another of the objects sought by Russia.

(4) In the negotiations and resulting treaties the United States and Great Britain obtained the abandonment of the maritime pretensions of Russia and an acknowledgment of the freedom of the high seas for the navigation of vessels of all nations.

The United States, by agreeing to a line of demarcation at 54° 40′ north latitude as the southern limit of the Russian possessions, secured the continuance of the fur trade of its citizens north of that line for a term of ten years; and Russia obtained a further stipulation that citizens of the United States should not establish settlements within the Russian territory or trade in firearms or liquor with the natives. By the acceptance of the limitation of trading privileges to a fixed term of ten years the American Government also acknowledged the sovereignty of Russia over the coast and islands north of the line of demarcation.

The object of the British Government, to prevent the extension of Russia's dominion as far eastward as the Rocky Mountains, was attained; but as to the limitation of the latter's territory to the section of coast desired and suggested by the Hudson's Bay Company, that government entirely failed. Each of the four lines proposed by Sir Charles Bagot (see Map No. 3 in the Atlas accompanying this Case) and the fifth one proposed by Secretary Canning in his treaty draft of July 12, 1824, is a nearer approach to the Russian proposal than the one immediately preceding it, until at last Great Britain assented to the boundary demanded by the Imperial Government.

From the first to the last conference of the plenipotentiaries at St. Petersburg the Russian representatives insisted upon a line beginning at the two southern points of Prince of Wales Island, and running up Portland Canal to the mountain chain appearing upon the maps, and thence "along those mountains, parallel to the sinuosities of the

coast, as far as the one hundred and thirty-ninth degree of longitude." From this position Russia never receded, so far as the *lisière* was concerned.

The location of this line proposed by Russia was never in doubt or misunderstood by Great Britain, for Sir Charles Bagot described it as "drawn from the southern extremity of Prince of Wales Island *to*[a] the mouth of Portland Channel, thence up the middle of this channel until it touches the mainland, *thence*[a] to the mountains bordering the coast." Mr. Stratford Canning informed Mr. Middleton that the line on reaching the head of Portland Canal turned *eastward* until it touched "the highest ridge of the chain of the mountains lying contiguous to and nearly parallel with the coast." In a dispatch to Count Lieven, dated April 17, 1824, Count Nesselrode said: "In order not to cut Prince of Wales Island * * * we propose to carry the southern frontier of our domains to latitude 54° 40′ and to make it *abut upon the continent*[a] at the Portland Canal, of which the opening into the ocean is at the same latitude as Prince of Wales Island." This dispatch was read by Mr. Canning, and he authorized Sir Charles Bagot to agree to this portion of the boundary without qualification. Russia had completed a treaty with the United States by which her southern boundary ran east and west along the parallel of 54° 40′. This was the line of demarcation she insisted upon Great Britain accepting, and this was the line that power did accept.

The British negotiator by his first proposed line conceded to Russia the western side of Lynn Canal. There is no suggestion or reason for believing that such concession was ever withdrawn; on the contrary, the whole course of the negotiation on the part of Great Britain precludes the supposition. Great Britain never desired, never sought, and never asked possession of that region. It was always, in the understanding of both governments, Russian territory, and its protection from foreign traders must have been in the minds of the Russian negotiators when they proposed a line of demarcation to the eastward of that inlet.

A territorial zone about the waters indenting the coast, which would debar the Hudson's Bay Company from establishing competing posts along the shores, was believed by the imperial representatives to be created by a boundary drawn along the summit of the chain of mountains shown on the Vancouver charts and the official Russian map of

[a] Not italicized in the original.

1802. (See Maps Nos. 4, 5, and 6 in the Atlas accompanying this Case.) An examination of these maps further shows that the head of Portland Canal and the mountain range are approximately 10 marine leagues distant from the shore line of the continent. Therefore, when Russia proposed to abandon the mountain boundary and fix a line drawn 10 marine leagues from the shore, and when she accepted that distance as the extreme width of the *lisière*, she believed that she was obtaining substantially the same protection as she would under her original proposition.

Throughout the negotiations a territorial barrier along the water front on the continent was constantly made prominent by the Imperial Government. In fact, the first series of conferences between Sir Charles Bagot and the Russian plenipotentiaries was broken off because the latter demanded the mainland opposite Prince of Wales Island and the former refused to concede it, because to do so would deprive Great Britain of "sovereignty over all the bays and inlets" of that portion of the coast. The British Government knew the purpose of Russia in demanding a *lisière*. It did not protest against it, but, with full knowledge, and presumptively with the full intention of acceding to Russia's demand, it accepted the line of demarcation which Russia had laid down.

Russia secured by the treaty of 1825 complete sovereignty over the islands north of 54° 40′ and over a strip of coast extending in a northwesterly direction from that parallel, bounded on the east by a line which followed up Portland Canal to its head, and thence ran parallel with the indentations of the coast and distant from their shores about 10 marine leagues, as far as Mount St. Elias. Upon these islands and this continental territory British subjects were prohibited from estabing settlements.

Great Britain secured from Russia the perpetual privilege to her subjects of navigating to and from the sea the rivers and streams crossing the eastern boundary of the *lisière*. This privilege is confined to rivers (*fleuves*) and streams (*rivières*), because, according to the mutual understanding of the high contracting parties, no other waterways crossed the line of demarcation. British vessels were further granted the privilege for the term of ten years of frequenting "all the inland seas, the gulfs, havens, and creeks on the coast" of the Russian possessions for purposes of fishing and trading, traffic in firearms and liquor being excepted. This latter provision was not

an object of Great Britain in the negotiations; in fact, she had not desired it until a similar privilege was obtained by the United States under the treaty of 1824.

Thus, while Great Britain had prevented the extension of Russian dominion to the Rocky Mountains, Russia by the treaty obtained the protective barrier which she sought, the exclusion of foreign trading posts from her territory and the formal recognition of her rights of possession and sovereignty over her American domain.

NEGOTIATIONS BETWEEN THE UNITED STATES AND RUSSIA RELATING TO A RENEWAL OF TRADING PRIVILEGES.

Article IV of the treaty of 1824 between the United States and Russia granted for the term of ten years from the date of signature the privilege to the citizens and subjects of the two nations to "reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks" upon the Northwest Coast of America, "for the purpose of fishing and trading with the natives of the country."[a] Article VII of the treaty of 1825 between Great Britain and Russia contained a similar stipulation,[b] which, as Mr. Canning suggested,[c] followed the text of the American treaty.

On April 5 17, 1834, the term for the exercise of the reciprocal privileges granted by the treaty of 1824 expired. Three weeks after, Baron Wrangell, the governor of Russian America, finding that American sea captains at the port of Sitka intended to proceed on their trading voyages through the inland waters of the colony in spite of his verbal notice to them that the term had expired, delivered to them a written circular in which he notified them that the privilege "within the limits of the Russian possessions on the Northwest Coast of America, namely: north of latitude 54° 40′, had ceased for vessels of citizens of the United States."[d]

It does not appear that the governor took more active steps to exclude foreign traders from the "Straits" until March, 1835, although the correspondence indicates that he reported his action to the officers of the company at St. Petersburg before December, 1834.[e] On February 16 28, 1835, the privilege granted by the British

[a] Appendix, p. 11.
[b] Appendix, p. 16.
[c] Appendix, p. 211.
[d] Appendix p. 232.
[e] Appendix, p. 245.

treaty terminated. Less than a month after this event Governor Wrangell sent the brig *Chichagoff*, under command of Lieutenant Zarembo, to Tongas, near the southern boundary line at 54° 40′, for the purpose of intercepting foreign vessels entering the inland waters of the colony, to the masters of which he was to deliver written notice of the expiration of the treaty provisions,[a] being furnished with six copies for American and three for British vessels. In the meanwhile Baron Krudener, the Russian minister at Washington, had been directed to communicate with the United States Government upon the subject; and on May 19 31, 1835, he addressed a note to the acting Secretary of State setting forth the course which had been taken by Governor Wrangell, and asking the United States to give public notice of the changed conditions resulting from the termination of the privilege.[b]

To this note Mr. Forsyth, the Secretary of State, demurred, expressing the hope that the trade relations existant under the treaty might be continued;[c] but upon the Russian minister renewing his request, Mr. Forsyth informed him that "an informal notice" would be given "through the public journals of Baron Wrangell's warning to the captains of American vessels on the northwest coast" of the continent.[d] Accordingly such a notice was published in the Globe newspaper on July 22, 1835, in which it was stated that the treaty stipulation had expired and formal notice had been given to American captains by the Russian governor that they could no longer claim trade privileges under the treaty.[e]

A few days later the Secretary of State transmitted to Mr. Wilkins, the American minister at St. Petersburg, the correspondence which had taken place, and directed him to open negotiations for a renewal of the privilege.[f] On November 4, 1835, Mr. Wilkins had an interview with Count Nesselrode upon the subject,[g] at which he handed to him a memorandum proposing a renewal of the stipulations of Article IV of the treaty,[h] to which the Russian minister replied that he desired to consult the directors of the Russian American Company before expressing an opinion, since they "were particularly interested in the decision of the question."[i] The following day Mr. Wilkins

[a] Appendix, p. 233.
[b] Appendix, p. 236.
[c] Appendix, p. 237.
[d] Appendix, p. 238.
[e] Appendix, p. 240.
[f] Appendix, p. 239.
[g] Appendix, p. 241.
[h] Appendix, p. 242.
[i] Appendix, p. 243.

addressed another memorandum to the Minister of Foreign Affairs setting forth in detail what he conceived would be the advantages secured by renewing the privilege.[a]

On November 11, the subject was laid before the Minister of Finance by Count Nesselrode, who called his attention to the fact "that a similar convention was concluded in 1825 with the Government of Great Britain concerning the navigation in our dominions in North America," and, although it had "not yet taken any steps looking toward the renewal of this Treaty," it was to be expected that it would make a similar proposition in case Russia consented to renew the article with the United States.[b]

Mr. Wilkins, on December 7, had another interview with Count Nesselrode,[c] at which he submitted a draft of treaty renewing the privilege indefinitely, with the proviso that either party might denounce it upon twelve months' notice.[d] The American minister was informed that Great Britain had not applied for a revival of the mutual privilege, but, if it was granted to her, it would be immediately given to the United States. Three days later Count Nesselrode addressed a note to Mr. Wilkins stating that the question could not be determined until the Imperial Government had received information from the Northwest Coast as to the interests and wants of the Russian establishments, and that such information could not be expected before the following spring.

The subject was not again renewed by the United States until April, 1837,[e] and in the meanwhile Great Britain had made no application for the renewal of the privilege. The silence of the latter Government is explained by the fact that in June, 1834, prior to the expiration of the stipulation in the British treaty, a Russian officer had forcibly prevented a vessel, the *Dryad*, belonging to the Hudson's Bay Company, from entering the Stikine River, for the stated purpose of ascending it to the territory of Great Britain behind the *lisière*. (See *post*, p. 77). The matter became a subject of diplomatic correspondence, which extended over several years, until finally settled by the lease of the *lisière* by the Russian's American Company to the Hudson's Bay Company.

In April, 1837, the United States renewed its efforts to obtain an

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[a] Appendix, p. 242.
[b] Appendix pp. 245, 246.
[c] Appendix, p. 246.
[d] Appendix, p. 247.
[e] Appendix, p. 248.

extension of the treaty provision,[a] and also sought to recover damages for the expulsion by a Russian armed brig of an American vessel, the *Loriot*, in August, 1836, which had entered Russian waters from the south. The correspondence upon the subject was concluded in 1838 by Russia's refusal to continue the trading privilege or to recognize the claim of the *Loriot*.[b]

To that decision the United States submitted, and on September 26, 1845, gave official notice warning American vessels against the violation of treaty stipulations "by resorting to any point upon the Russian American coast where there is a Russian establishment, without the permission of the governor or commander, nor to frequent the interior seas, gulfs, harbors, and creeks upon that coast at any point north of the latitude of 54° 40′."[c] Thus, whatever question had been previously raised by the United States it finally recognized the complete sovereignty of Russia over the Northwest Coast of America north of latitude 54° 40′.

RUSSIAN OCCUPATION.

After the treaty of 1825 went into effect, one of the first acts on the part of the Russian Government in the assertion and enforcement of its title to the territory guaranteed to it by that treaty, was the preparation and publication by that government of a map, in 1826, upon which the boundary line was distinctly laid down as extending from the head of Portland Canal, at a distance of 10 marine leagues around all the inlets of the sea, to the 141st degree of longitude, and thence along that parallel to the Arctic Ocean. (See Map No. 11 in the Atlas accompanying this Case.) The next year another map was published by the Russian Government with exactly the same boundary line laid down. (A description of this second map will be found in the Appendix, page 513, No. 18.) Up to the time of the cession of the Russian possessions in America to the United States all Russian maps, official or otherwise, marked the boundary uniformly in the manner described.

The exercise of sovereignty and occupation by Russia in the territory known as the *lisière*, aside from the exclusion of foreign vessels and citizens from trading with the natives, already noticed, may be

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[a] Appendix, p. 248.

[b] Appendix, p. 249.

[c] Appendix, p. 250.

classified as follows: (1) Control over the Indian tribes; (2) the conduct of trade; (3) the establishment of posts and forts; (4) the maintenance of its territorial rights against foreign encroachments; and (5) the survey of the straits, inlets, and rivers.

RUSSIAN CONTROL OF THE INDIANS.

The control of the Indian tribes on the continental shores began many years before the treaty with Great Britain of 1825. In the accounts of the voyages of the Russian explorers who were laying the foundation of the imperial possession in America during the latter part of the eighteenth century, frequent reference is made to the measures taken to secure the allegiance of the native chiefs and to the plans inaugurated to convert them to Christianity. One of the most noted of those events was the submission to Russian authority of the chief of the Chilkat tribes. In the year 1788, Ismailof, a lieutenant of Shelikof, one of the founders of the Russian American Company, anchored in the Yakutat Bay and spent some time in that vicinity. He met there the Chilkat chief, who had come from his home on the Chilkat River, near the head of Lynn Canal, to visit portions of his tribe inhabiting the region about that bay. He established friendly relations with the chief, explained to him the purposes and power of the Russian Government, presented him with a coat of arms, an insignia of the Russian double-headed eagle, and portraits of the imperial family. The chief in return pledged his devotion to the Russian Crown by presenting the Russian officer with a sacred iron crow's head and other evidences of his allegiance.[a]

In 1795 Baranof, governor of the Russian American Company, visited the same bay, renewed the amicable relations with the Indians, and with great éclat planted the Russian flag on the shore. Thence he passed on to Chilkat Inlet, where he repeated his experience, and erected crosses with the inscription, "This land is Russian territory."[b]

During the Russian occupation of the islands and adjoining *lisière* active efforts were put forth to lead the natives to accept Christianity, and various schools were established among them. Two priests claimed that up to 1860 they had baptized 447 of the Stikines and others of that vicinity. When the territory was transferred to the United States in 1867, the Russian department of the interior reported

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[a] Appendix, pp. 252, 255, 256.

[b] Appendix, p. 257.

that nearly all the tribes of the Thlinkits inhabiting the mainland were Christians, but this statement must be taken with some reservation.[a]

The authorities, in addition to the encouragement of the clergy, exerted their influence to correct the brutal and barbarous practices of the Indians, one of which was to offer up as sacrifices at funerals the lives of their slaves. The chief of the Stikines was induced to abandon the bloody rite in 1837, and in recognition of his noble act the Emperor presented him with a gold embroidered caftan and he was given a certificate of honor by the governor.[b]

The officials of the colony labored earnestly to exclude intoxicating liquors, and the illicit traffic of the American and British traders among the natives gave them much trouble.

The Chilkat and Stikine tribes were in constant enmity, and the authorities were kept on the alert to prevent war or restore peace among them.[c] Such of the chiefs as manifested special loyalty to the Imperial Government were decorated with a silver badge and were entitled "Allies of Russia."[d] In order to bring about a closer union between the Thlinkit tribes and the government a supreme chief of all these tribes was appointed in 1842, and the colonial council in 1862 exercised its authority in appointing a chief over the Stikines.[e] In order to protect their exposed establishments on the *lisière*, the authorities sometimes resorted to the expedient of taking the chiefs or their sons as hostages.[f] So great was the influence established by the Russians over the natives that even after the Hudson's Bay Company had taken possession of the *lisière*, when the post at the mouth of the Stikine was besieged by the Indians in 1846, the mere appearance of a vessel of the Russian American Company is said to have saved the post from destruction. A similar danger was averted in 1862 by a Russian naval officer securing the promise of the chief to restore order.[g]

Tikhmenief, the historian of the Russian American Company, published in 1861 a census of the native tribes, called by the Russians the Koloshes and known by later ethnologists as the Thlinkits, who inhabited the mainland up to Prince William Sound and the adjoining

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[a] Appendix, pp. 259, 318.
[b] Appendix, pp. 259, 308.
[c] Appendix, pp. 274, 303.
[d] Appendix, p. 309.
[e] Appendix, pp. 258, 316.
[f] Appendix, pp. 266, 274.
[g] Appendix, p. 317.

islands. In this enumeration of Indians are found the Chilkat, Taku, and Stikine tribes.[a]

It is thus seen that the Russian Government exercised authority over the native inhabitants of the *lisière* from the date of the treaty of 1825 up to the cession of its American possessions to the United States.

THE CONDUCT OF THE FUR TRADE.

During the same period the Russian American Company carried on an active barter with these Indians, and, after the expiration of the ten years' privilege granted to the Americans under the treaty of 1824, the trade with the natives was strictly confined to that company. So jealous were the authorities of their exclusive sovereignty that they construed the attempt of the captain of one of the American vessels, even before the ten years' privilege had expired, to introduce a missionary among the Indians as a violation of the treaty.[b]

For some years after the treaties the company maintained no permanent establishments within the *lisière*, making the central post at Sitka, or New Archangel, the base of operations, and thence sending out annual expeditions to the head of Lynn Canal, Taku Inlet, the mouth of the Stikine River, and other appointed places of rendezvous, where the barter for furs was conducted. But events occurred which compelled a change of methods.

By 1829 the Hudson's Bay Company had reached the coast of the Pacific Ocean and established a post on Vancouver Island. From that post it dispatched an agent, Lieutenant Simpson, to Sitka early in 1829, with a letter addressed to the manager of the Russian American Company, giving him notice of the intention to establish another post on the northern limit of the British coast, and proposing that a friendly understanding be reached as to the future conduct of trade. Among the matters suggested were a joint agreement to put a stop to the sale of firearms and liquor which was injurious to the natives and embarrassing to trade, and an offer to exchange with the Russian company European goods and supplies at fair prices for furs.[c] The Hudson's Bay Company's agent was hospitably received, and sent back with a civil answer. This led to correspondence between the head offices at

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[a] Appendix, p. 316. [b] Appendix, p. 235.

[c] Appendix, p. 259.

London and St. Petersburg and a reference of the subject to the Russian Government, but no definite action was had respecting the proposition.[a]

Meanwhile the new post of the Hudson's Bay Company had been established at Naas, on Observatory Inlet, just in front of the boundary at Portland Canal, and the Russian company began to feel the damaging effects of this close competition among the Indians of their southern frontier. But this was not the worst of the evils which threatened the Russian company. In 1832 news was received of the intention of the Hudson's Bay Company to establish a settlement up the Stikine River "at such a distance from the sea as not to infringe upon" the treaty of 1825, the British having "a right to settle at a distance of 30 Italian miles from the sea on the river." This was followed the next year by the information that an English expedition had actually ascended the Stikine and selected a spot for the new settlement.[b]

These movements greatly alarmed the Russian company for the safety of its trade, and it at once adopted energetic measures which essentially changed the methods of its traffic. The vessel which had been engaged in the trade within the *lisière* was "put on a war footing," and dispatched to the mouth of the Stikine, with orders to there erect a redoubt and fortify it. A new vessel was built with all speed to look after the trade in the Chilkat region, named the *Chilkat*. In addition to the redoubt at the mouth of the Stikine, called St. Dionysius, the board of directors reported to the government at St. Petersburg that the safety of that redoubt "as well as the continuous maintenance of trade with the natives, demand that a chain of stations be established from the southernmost redoubt of our possessions, St. Dionysius at Stikine, to the north to the Chilkat Strait, named Lynn Canal by Vancouver."[c]

From this time forward until the lease of the *lisière* to the Hudson's Bay Company, the Russian American Company carried on its fur trade with the Indians mainly through its permanent establishment at the mouth of the Stikine River and through the other settlements up to the Chilkat Inlet in Lynn Canal.

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[a] Appendix, pp. 260–264, 313. [b] Appendix, pp. 264–266, 272–273.
[c] Appendix, pp. 235, 266, 274–275, 280, 320.

THE AFFAIR OF THE DRYAD.

In 1834, the year after the founding of the St. Dionysius redoubt, a vessel of the Hudson's Bay Company, named the *Dryad*, appeared in sight of the redoubt, and was boarded by a Russian officer who delivered to the captain a written notice from Baron Wrangell, governor of the Russian colony, to the effect that it was no longer permitted to foreign vessels to trade with the natives.[a] The *Dryad* had on board a colony of settlers and a full outfit for the establishment of a trading post.

Dr. Dawson, the Canadian authority, states that the vessel was fitted out by the Hudson's Bay Company "for the purpose of establishing a post and colony at the mouth of the Stikine." This statement is confirmed by Professor Dall, the American author.[b] Such a report reaching the Russian authorities may more fully explain the activity of their military preparations at the mouth of the Stikine. But Mr. Ogden, the chief of the Naas station, in charge of the British expedition, stated that it was his intention to form an establishment "ten marine leagues inland,"[c] and this statement was accepted by the Russian authorities.

The *Dryad* was not permitted, however, to ascend the river and proceed to her destination, upon the ground that it would be a violation of the stipulation of Article II of the treaty of 1825, which forbade British subjects to "land at any place where there may be a Russian establishment." The vessel returned to Naas, and the British Government presented to the Russian Government a demand on behalf of the Hudson's Bay Company for an indemnity of £22,150 on account of losses sustained by the company because of the action of the Russian authorities. This claim for damages was the subject of a lengthy correspondence between the British diplomatic representatives at St. Petersburg and Count Nesselrode, extending through four years, and it was finally adjusted through an arrangement between the two rival companies, by which the Russian American Company, with the express authorization of the Imperial Government, leased the *lisière* to the Hudson's Bay Company for a term of years.[d]

This arrangement had two objects in view. As stated by Count

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[a] Appendix, p. 267.

[b] Appendix, pp. 320, 321.

[c] Appendix, p. 269.

[d] Appendix, pp. 271–312.

Nesselrode, the first was "the advantage of doing away with all rivalry in the fur trade and of putting an end to the frequent occasion of friction with the English and with the citizens of the United States of America which have already led to unpleasant correspondence with these Governments." Second: "It would enable us to avoid all further explanations with the Government of the United States as to its ceaseless demands, disadvantageous to our interests, for the renewal of Article IV of the treaty of 1824, which granted to American ships the right of free navigation for ten years in all the straits and seas adjacent to our dominions on the northwest coast of America." [a]

The affair of the *Dryad* illustrates in a forcible manner why the Russian company and its government were so firm in their position during the negotiation of the treaty of 1825 that a strip of territory should be preserved on the shores of the continent of sufficient width to act as a barrier to keep the Hudson's Bay Company from interfering with their trade in furs with natives inhabiting those shores. The governor of the colony, Baron Wrangell, represented to his government in the strongest terms the evil effects of the establishment of a British post on the Stikine River immediately adjoining the boundary line. It would enable the British trappers and hunters, with their superior weapons and methods of securing game, to deprive the Indians of their only means of livelihood. "It is for this reason," he writes, "that the Stikines ask us most earnestly not to allow the British to enter the river; they foresee the fatal consequences to their people if the British succeed in cutting off their only source of trade. In fact, the consequences will be terrible and unavoidable: the numerous, enterprising and formerly wealthy tribe of the inhabitants of the coast (Kolosh) will become a tribe of brigands in the full sense of the word if they are brought down to abject poverty; * * * they can, if they act together, work fearful ruin by attacking the fort and vessels. * * * I ask again, does not humanity, justice, and the very duty of Russia with regard to the aborigines of her possessions in America, call us to the aid of the people?" [b] The Imperial Government, while it was forced to admit to the British ambassador that the expedition up the river was authorized under the treaty, did not fail to recognize the cogency of the Russian company's appeal, and brought about the only method of relief, the lease of the strip, which put an end to rivalry in the trade.

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[a] Appendix, p. 312.

[b] Appendix, pp. 277, 278.

The *Dryad* affair also brings out in unmistakable terms the understanding of all the parties in interest as to the extent and effect of the *lisière*. Lieutenant Simpson, who visited Sitka in 1829, and the Stikine in 1831, announced the intention of the Hudson's Bay Company "of establishing a settlement * * * up the river falling into this bay [mouth of the Sound] at such a distance from the sea as not to infringe upon the last convention concluded between Russia and Great Britain with regard to our frontiers."[a] Mr. Ogden, the manager of the Hudson's Bay Company at Naas, on his arrival at the mouth of the Stikine in the *Dryad*, stated to Baron Wrangell that his instructions were to "form an establishment 10 marine leagues inland, in accordance with clause 2nd, art. 4, of Convention entered into between Great Britain and Russia."[b] Three months later, when he visited Sitka to confer with Wrangell about the *Dryad* affair, he claimed the right under the treaty to carry out the intention of his company to establish "a settlement up the River Stikine at a distance of 10 leagues from the sea."[c]

It will be remembered that Mr. Ogden had during the year 1833 passed up the Stikine to the spot designated for the post, and was familiar with the topography of the country.[d] Mr. McLoughlin, the company's manager at Vancouver, in giving an account of the affair to the governors of the Hudson's Bay Company in London, transmitted Mr. Ogden's report, which contained the statement above quoted, and also referred to the locality.[e] The deputy governor, Mr. Pelly, in asking the British Government to make the demand for indemnity, stated that the purpose was "to form a trading establishment within the British Territories at a distance from the Ocean exceeding ten marine leagues up the Stikine river."[f]

Lord Durham, the British ambassador, in presenting the demand for indemnity to the Russian Government, based it upon the fact "that the Russian authorities on the N. W. Coast of America have interfered with an expedition fitted out * * * for the purpose of forming a settlement ten leagues up the Stikine River."[g] The London Times in its account referred to the purpose of the company of "erecting an establishment at the distance from the line of coast prescribed by the treaty."[h]

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[a] Appendix, p. 264.
[b] Appendix, p. 269.
[c] Appendix, p. 276.
[d] Appendix, pp. 272, 283, 313.
[e] Appendix, p. 272.
[f] Appendix, p. 278.
[g] Appendix, p. 285.
[h] Appendix, p. 280.

Baron Wrangell, in submitting his account of the *Dryad* affair to the board of directors in St. Petersburg, stated "that the Hudson Bay Co. had likewise the intention of settling there, as by the terms of the Convention the British have the right to settle on the Stikine River at a distance of 30 Italian miles from the sea." And in another part of the same account he speaks of "the localities desired by them [the British] 10 leagues up all the rivers and rivulets falling into our straits."[a]

The board of directors at St. Petersburg, in laying the matter before their government, in discussing the terms of the treaty, alluded to the ruinous consequences which would result to the colony "if the English be allowed to establish their factories on all the water courses upon the boundary line, that is, within ten miles[b] from the coast."[c] Count Nesselrode, at the end of the long correspondence, advised the department having under its supervision the affairs of the Russian American Company "that our colonial authorities—contrary to the treaty—issued the order prohibiting Mr. Ogden from sailing up the Stakine river to the English dominions, where he wished to establish a trading post, this being entirely within his rights."[d]

It is thus seen that the British and Russian authorities concurred in the view that the boundary line between the Russian and British possesions on the *lisière*, according to the treaty, crossed the Stikine River at a point 10 marine leagues, or 30 miles, from its mouth. It is also to be noted that the Russian authorities understood this distance to be measured from the mouths of "the rivers or rivulets falling into out straits."

RUSSIAN SURVEYS ALONG THE LISIÈRE.

A further fact in connection with the Russian occupation of the *lisière* is to be noticed in the frequent surveys which were made of its inland waters. In 1834 the Taku River was discovered, and in 1838 it and the bay of the same name were surveyed and soundings made.[e] The Stikine River was surveyed in 1837 from its mouth to the interior boundary line and the map thereof forwarded to the hydrographic office in St. Petersburg. (See list of maps and charts, No. 28, Appendix,

[a] Appendix, pp. 274, 278.

[b] The word "miles" is plainly an error, and should read *leagues*.

[c] Appendix, p. 290.

[d] Appendix, p. 307.

[e] Appendix, pp. 273, 303.

p. 514.) On this map the boundary is marked on the river, as also the proposed British post[a] some distance farther in the interior. Lynn Canal, in the vicinity of the mouth of the Chilkat River, was surveyed in 1838 and a map of it forwarded to St. Petersburg. (See list of maps and charts, No. 45, Appendix, p. 516.) The Stikine River was again surveyed in 1863 beyond the boundary line.[b] This second survey was occasioned by the discovery of gold toward the headwaters of this river, and the expedition was for the purpose of ascertaining whether the gold deposits were within Russian territory.

The character and results of the Russian occupation and control of the *lisière* and the estimate in which this occupation was held by the inhabitants of the adjacent British territory may be seen from the editorial in the Colonist newspaper, published in 1863 at Victoria, British Columbia. It spoke of the probability of negotiations between England and Russia for the acquisition of the seacoast north and south of the Stikine River, as "certainly it is not desirable that the business of such a highway [the Stikine] should reach the interior through a Russian door of 30 miles. * * * The strip of land which stretches along from Portland Canal to Mount St. Elias, with a breadth of 30 miles, and which according to the Treaty of 1825 forms a part of Russian America, *must eventually become the property of Great Britain*, either as the direct result of the development of gold, or for reasons which are now yet in the beginning, but whose results are certain. It is clearly undesirable that the strip 300 miles long and 30 miles wide, which is only used by the Russians for the collection of furs and walrus teeth, shall forever control the entrance to our very extensive northern territory. * * * The mouth of the Stakine must be ours, or at least an outer harbour must be established on British soil from which our steamers can pass the Russian girdle."[c]

From the foregoing review of the Russian occupation between 1825 and 1867, it is apparent that there was no disputed ownership of the interior arms of the sea within the *lisière*, or that Great Britain ever was in possession or set up any claim to the heads of any of the inlets of the mainland north of 54° 40′. Over the two most important inlets and only navigable river of the *lisière*—Lynn Canal, Taku Inlet, and the Stikine River—the Russian Government exercised various, repeated, and unquestionable acts of sovereignty, such as the sur-

[a] Appendix, p. 307. [b] Appendix, pp. 318, 321.

[c] Appendix, pp. 322, 323.

veys of the waters and shores and the establishment of boundary marks, the erection of forts and military posts, and the maintenance of exclusive trade with and supervision of the Indians. Thus for forty-two years after the treaty of 1825 Russian possession of that region remained unchallenged.

CESSION OF THE TERRITORY TO THE UNITED STATES.

The treaty for the cession of the Russian possessions in North America by His Majesty the Emperor of Russia to the United States was signed in Washington March 30, and ratified May 28, 1867. The immediate causes and the steps taken for the negotiation of this treaty, so far as made public, are set forth in the Appendix[a] and need not be enumerated here.

The preamble to the treaty states that the high contracting parties were "desirous of strengthening, if possible, the good understanding which exists between them." By Article I "the Emperor of all the Russias agrees to cede to the United States * * * all the territory and dominion now possessed by his said Majesty on the continent of America and in the adjacent islands" within the limits set forth, the eastern limit being "the line of demarcation between the Russian and the British possessions in North America, as established by the convention between Russia and Great Britain in February 28 16, 1825, and described in Articles III and IV of said convention," which are textually inserted.[b] The consideration for the purchase was fixed at $7,200,000.

The ratifications of the treaty were exchanged June 20, 1867, and it was proclaimed on the same day. But before that date, on May 13, the American commissioner to receive the transfer of the territorial possessions, which were henceforth given the name of Alaska, was appointed, and on May 20 an order was published providing for a detail of troops from the United States army to occupy the new possessions.[c] Some delay occurred in the arrival from Europe of the Russian commissioner. The commissioners were carried to Sitka in a United States government vessel, and the formal transfer of the territory was effected at that place on October 18, 1867, a body of United States troops and the military commander of the territory having arrived just previous to that date. The ceremony was witnessed by the officials and troops of

[a] Appendix, pp. 324–331. [b] Appendix, pp. 18, 20.

[c] Appendix, p. 328.

both governments, the imperial flag of Russia was lowered and that of the United States run up in its place, while the artillery of both nations united in the salute.[a]

Concurrently with these movements a vessel of the United States revenue marine, the *Lincoln*, was dispatched by the Secretary of the Treasury with a complement of officials, for the purpose of "affording protection to the revenue during the period of doubtful and uncertain jurisdiction," as well as to procure information which would be useful to the government in organizing the administration of the territory. The report of the officer in charge of this expedition shows that he proceeded up the inland passage to the head of Lynn Canal, before going to Sitka, put himself in communication with the head chief of the Chilkat tribe, and held a conference with him and several minor chiefs, explained to them the transfer of the territory to the United States, and received from them assurances of allegiance "to the new flag." An American flag was presented to the head chief, which he placed in the bow of his canoe as he took his departure. The officer reports that "the United States flag was hoisted at Chilkat within a few minutes of the time it was hoisted at New Archangel [Sitka], as it was afterwards ascertained." After repairing to Sitka, on the return voyage to San Francisco, the revenue cutter stopped at the mouth of the Stikine, which was made a customs office or station. A conference was held likewise with the principal chief of the Stikine tribes, an American flag was given him, and a certificate that he had been recognized as the chief of the Stikines.[b]

There was also sent on the *Lincoln* an assistant superintendent of the United States Coast Survey, with a staff of scientists, to make observations and gather material with a view to perfecting the sailing charts and maps of the newly acquired territory. The report of this officer contains a detailed account of the waters in the vicinity of the southern boundary of 54° 40′, of the Stikine River, and Taku inlet and river. During the stay of the *Lincoln* at the head of Lynn Canal, observations were taken and a survey was made of the mouth of the Chilkat River and adjacent waters. On his return the assistant superintendent reported: "The general map of the coast, not yet finished, is compiled from the maps of Tebenkoff [a former Russian governor], from manuscript maps, kindly furnished me by Prince

[a] Appendix, pp. 334, 335.

[b] Appendix, pp. 337–340.

Maksoutoff, governor of the late Russian colonies, and from examinations of my own."[a]

At the time of the visit of the *Lincoln* the Hudson's Bay Company, which had been in occupation of the *lisière* under its lease from the Russian American Company, had withdrawn its posts. A vessel of the former company was, however, reported to have been met at the mouth of the Stikine "in transitu for their posts in the interior." It was also stated by the revenue agent that there was "about thirty (30) miles from the mouth * * * a station established, since our purchase, by the Hudson Bay Company, it is said, directly on our line."[b] In one of the reports is the information concerning that company that "from the mouth of the Chilkaht alone they took this year [1867] over twenty-three hundred martens or Hudson Bay sables."[c]

THE EVIDENCE OF THE MAPS.

The Government of the United States, when it entered upon the negotiations which resulted in the cession of Alaska, in 1867, had full knowledge of the extent of the territorial possessions of Russia on the mainland of the Northwest Coast of America. It had been a party at the outset to the negotiations under which the eastern boundary of these possessions was delimited by the treaty of 1825. It was fully conversant with the later negotiations of that treaty,[d] and with the subsequent events respecting the territory which it acquired by the treaty of cession of 1867.

Besides this diplomatic and historical information it was possessed of a knowledge of the official and most authentic maps and charts of Russia, Great Britain, and the other enlightened nations of the world. From this information and knowledge, as well as from that secured from the Russian minister during the negotiations, the Secretary of State, who had negotiated the treaty of cession, upon the suggestion of Charles Sumner, chairman of the Committee on Foreign Relations of the Senate of the United States,[e] caused a map to be prepared and published carefully delineating the boundary line between the newly acquired possessions of the United States and Great Britain. (A facsimile of this map will be found in the Atlas accompanying this Case, marked

[a] Appendix, pp. 341–344.
[b] Appendix, pp. 339, 340.
[c] Appendix, p. 342.
[d] Appendix, p. 224.
[e] Appendix, p. 540.

No. 24.) This map was printed between April 20 and April 30, 1867, and was used by Senator Sumner while the treaty was under consideration in the Senate.[a] It was published six months before possession was taken of the ceded territory, and one year before the stipulated purchase money was paid.[b]

The map will be found to conform in respect to the boundary line to substantially all the maps and charts of other nations up to that date which delineate that region of the globe. A reproduction of a number of these maps will be found in the Atlas accompanying this Case, beginning with No. 11. The list includes official or authorized maps—Russian, British, Canadian, French, Spanish, German, Belgian, and American. In addition to those reproduced in facsimile, a descriptive list of a large number of other maps, together with geographic notes and information taken from accepted authority, is appended,[c] showing that the boundary of the ceded territory as claimed by Russia and accepted by the United States was recognized by all cartographers and geographical writers.

It is to be noted, in an examination of these maps, that the majority of those published subsequently to the treaty of 1825 do not reproduce the chain of mountains parallel to the coast as shown in the Vancouver charts. But the universal method followed by cartographers in drawing the boundary line at 10 marine leagues from the shore of the mainland shows that it was their opinion that no dominant range existed between that line and the sea. This belief, which was necessarily based upon very meager data, has been fully confirmed by recent investigations made in that region by officers of the United States Coast and Geodetic Survey.

In 1893 a joint international survey of the coast of the mainland between Portland Canal and the head of Lynn Canal was undertaken by the United States and Great Britain.[d] The American officers sent out in company with the Canadians examined the shores, and penetrated inland at several points for the special purpose of determining the character of the country. From their observations the following facts were established: That the mountains have a tendency to increase in altitude the farther they are situated from the shore; that throughout the *lisière* the mountains are composed of numerous isolated peaks and short ridges running in different directions, and that within 10

[a] Appendix, p. 543.

[b] Appendix, pp. 336, 540.

[c] Appendix, pp. 511–522.

[d] For reports, see Appendix, p. 523.

marine leagues of tide water there is no defined and continuous range such as appears upon the early maps and charts following the sinuosities of the coast."

The Government of the United States in accepting the transfer from Russia, with the boundaries marked upon the maps and described by the Russian minister, not only occupied the colonial capital, Sitka, and the settlements on the other islands, but it also took possession of the old Russian post recently vacated by the Hudson's Bay Company at the mouth of the Stikine River, and its officials ascended Lynn Canal to its head and took formal possession by raising the American flag on shore. And at both these latter places the Indian tribes were notified of the change of sovereignty of the country and were required to pledge their allegiance to the United States.

It remains to be added that no protest was received from any quarter that the map published in 1867 by the Government of the United States delimiting the boundary was incorrect; and it has already been seen that the officials of that government entered upon and took possession of the territory so described without any opposition, official or individual. The Hudson's Bay Company, which was in possession of the *lisière* under the lease at the time the treaty of 1867 was negotiated,[b] being a British corporation, quietly withdrew into the adjoining Canadian territory.

THE AMERICAN OCCUPATION—ADMINISTRATION OF THE MILITARY AUTHORITIES.

The possession of the Russian American territory having been peacefully transferred to the United States, in accordance with the terms of the treaty of 1867, the administration of its affairs was confided to the War Department, which continued in charge of the newly organized Territory of Alaska for ten years, except as to the control of trade and the protection of the revenue by the officials of the Department of the Treasury.

General J. C. Davis, who commanded the detachment of the army which occupied Sitka at the time of the act of transfer, continued at the head of the Territorial government. Attention was early given to the Indians inhabiting the newly acquired domain. The instructions to General Davis were that, until a civil government was established,

[a] Appendix, pp. 529–538.

[b] Appendix, pp. 339, 340, 342.

he should "act as their general superintendent, protecting them from abuse, and regulating their trade and intercourse" with the white inhabitants. He was to exercise the greatest vigilance and strictly enforce such regulations as he might deem necessary in regard to them.[a] Even before the transfer was effected the general commanding the division of the Pacific dispatched from San Francisco an officer, Colonel R. N. Scott, to visit the Territory of Alaska for the purpose of ascertaining and reporting upon the Indian tribes inhabiting that region, and their relations to each other and to those within British territory. He was also to report the steps necessary to be taken by the army authorities to control them and maintain peace.[b]

In his report, dated November 12, 1867, Colonel Scott gave the result of his observations and inquiries between Cape Spencer (near latitude 59°) and Portland Canal, relative to the Indians on the mainland and the islands. He referred especially to the tribes living "along the shores of the various bays, rivers, and inlets," as those which would require the interposition of the navy with light-draft gunboats or armed quartermaster's steamers, prepared to inflict summary punishment, and among these he mentioned the Chilkat Indians. He also cited the Stikine River and the inlet at its mouth as a locality which should receive military protection.[c] Attached to his report is a list of the Indian tribes on the islands "and on the mainland from Cape Spencer to Portland Channel," with their estimated population. This list, he stated, was prepared with the aid of the officers of the Hudson's Bay Company, who had so lately been in possession of the region visited.

In this list are found the Auks "scattered along Douglass Channel, on Douglass Island, and on the mainland from Lynn Canal to Taco Inlet." The Chilkats are located "at the head of Lynn Canal and mouth of Chilcah River." The Takus are mentioned as living about the "head of Taco Inlet." Of the Stikine Indians he reported that "five or six hundred of them live on the Stikeen River, and the remainder are scattered along the coast from Point Highfield to Port Steward. * * * I can not say how many of the Stikeens are in our territory." Capt. Horace Coffin, "who was for many years a trader among the northern Indians, and who lately commanded a steamer in the service of the Russian-American Telegraph Company,"[d] reported to Colonel Scott that there was "a Russian boundary monument on

[a] Appendix, p. 353.
[b] Appendix, p. 346.
[c] Appendix, pp. 347–350.
[d] Appendix, p. 349, 353.

that river, about 135 miles from its mouth, marking a point ten marine leagues from the coast. If he is correct as to the nature of this monument, most of these Indians are within our boundary."[a] Captain Coffin, it will be seen, is corroborated as to the existence of the Russian boundary monument by Lieutenant Lindenberg's survey of the Stikine in 1837.[b]

During the military occupation of Alaska General Davis and other officers made frequent reports of the exercise of authority on the mainland within the *lisière*, and especially at the head of Lynn Canal. On May 27, 1868, General Davis reported the visit to Sitka of the Chilkat chiefs to make "apologies for their past conduct toward the whites" and to express "their sincere desire to cultivate friendly relations." He described them as "the most formidable and hostile Indians, probably, in Alaska," and he recommended that troops "be sent to Lynn Channel and a post established there." In the same report is an account of the visit of chiefs from both the Taku and Stikine tribes for the purpose of establishing good relations and making peace with the Sitka Indians, which was accomplished through the general's intervention.[c]

Under date of August 3 of the same year General Davis made a report of a visit to the mouth of Chilkat River, at the head of Lynn Canal, where he had "a very satisfactory interview" with a number of the chiefs. "They are now," he said, "very friendly disposed toward us." Other visits of the Chilkat and Taku chiefs to Sitka were reported under date of December 21. "They express themselves as well satisfied with the treatment they receive from us."[d]

On January 5, 1869, a report was made of the arrest at Sitka of the principal chief of the Chilkats, "the most powerful and vindictive chief on the coast," for "an attempt at war." But five days later he gave "good assurances of his peaceful intentions for the future," and he was soon after released.[e]

During the year 1869 William H. Seward, who, as Secretary of State, had negotiated the treaty of 1867 for the cession of Alaska, paid a visit to the Territory. While he was at Sitka news was received from the region about the head of Lynn Canal that the Indians who had been showing a hostile spirit and were threatening

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[a] Appendix, p. 352.
[b] Appendix, p. 514, Map No. 28.
[c] Appendix, p. 354.
[d] Appendix, p. 355.
[e] Appendix, p. 356.

war on the Sitka Indians were desirous of establishing peace and friendship with the military authorities, and General Davis decided to again visit them, and he invited Mr. Seward to accompany him. On their arrival they were met at the mouth of the Chilkat River by the head chief and several subchiefs, who escorted them up the river with much ceremony to the headquarters of the chief at the village of Klukwan.

Here a grand council with all the chiefs was held, during which it appeared that the cause of the hostilities had its origin nine or ten years before. "Then it happened," said Mr. Seward to the chiefs, "when this country belonged to the Emperor of Russia—long before it became the property of the United States. He was a great sovereign, who listened to the Indians and treated them with kindness." And it was suggested that redress should have been asked of the Russians. The answer of the chiefs was: "We did appeal to the Emperor of Russia, but he gave us no redress. Perhaps he was too poor; we know he was poor, because he had to sell his land to the Great Tyee [chief]. But now the Great Tyee himself is here in his stead, and we want to know what he is going to do about it." The result of the council was that General Davis agreed to make the chiefs a present of 36 blankets, in compensation for the alleged wrongful acts of the Sitka Indians; a compact of peace was made, and a feast to celebrate it was given on board the general's vessel.[a]

In 1870 General Davis made a visit to most of the tribes on the mainland "from Fort Tongas to the Taku and Chilcat rivers." The illicit liquor traffic among the Indians had been a source of much trouble since the cession. He reported to the Department "a decided decrease in the liquor-smuggling business during the last year. This is owing to the increased vigilance on the part of the Government officers, both revenue and military." He also alluded "to the valuable service rendered by the revenue cutters when in these waters, both in suppressing illicit trade and in cooperating with the military in looking after the Indians whenever called upon by me."[b]

In 1875 Major-General O. O. Howard, commanding the Department of the Columbia, made a tour of inspection of Alaska, visiting the inlets and rivers of the *lisière*. At the mouth of the Stikine he was called upon by representatives of the Stikine tribe, whose chief had some time before been arrested, charged with a crime, and taken as a prisoner

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[a] Appendix, p. 497.

[b] Appendix, p. 357.

to the State of Oregon for trial pursuant to the provisions of the act of Congress. He was so greatly mortified at his arrest that he committed suicide. In accordance with the Indian custom the tribe demanded the life of a white man in return for their chief's death. General Howard was able to satisfy this demand by the delivery to them of ten blankets.

He made a visit on a small steamer "up the Stikine River as far as the boundary between our territory and British Columbia. No building is yet erected for the custom-house. The place for the English custom-house officers' tents is supposed to be selected within the British line. Some of our shrewd frontiersmen say that it is not 10 marine leagues from the sea, as it should be, there being really doubt as to the summit of the coast range of mountains." And he urged the importance of having "the existing doubt" definitely settled.

During his stay at the head of Lynn Canal the general visited a small Indian village four miles up the river, and was told that "the main Chilkat ranches are some 16 or 18 miles farther up."[a]

The military administration of Alaska terminated in 1877 by the withdrawal of the troops, and for some years thereafter its affairs were controlled by the naval and treasury authorities. "The reason for the withdrawal was that the protection of the Government property and the preservation of public peace and order could be more economically and more efficiently done by naval or revenue vessels."[b]

OPERATIONS OF THE NAVY.

After the withdrawal of the military forces from Alaska the government of the Territory was divided between the naval and treasury authorities, the former exercising control in the preservation of order and the enforcement of the laws, and assisting the revenue officers in the regulation of commerce and suppression of illicit trade.

The instructions of the Secretary of the Navy to the commanders of vessels in Alaska were to look out for the interests of the residents, maintain harmonious relations between the white inhabitants and the natives, exercise control over the latter, and make surveys of the harbors, inlets, rivers, and other waters as the nature of the service

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[a] Appendix, pp. 359, 505.

[b] Appendix, p. 345.

would allow.[a] In execution of these instructions the naval officers, between the years 1868 and 1896, visited the inlets and rivers of the mainland of Southeastern Alaska, and, in the name and by authority of the Government of the United States, exercised various and frequent acts of sovereignty. The Stikine Indians, who, it has been seen, were located along the Stikine River from the boundary line fixed by the Russian Government down to its mouth, and the adjacent coast, were often after the cession engaged in hostilities with the neighboring tribes.

It became repeatedly the duty of the naval officers to intervene to preserve the peace, and finally, in 1881, four of the Stikine chiefs were brought to Sitka by an officer of the navy for the purpose of meeting a similar delegation of their inveterate enemies, the Kootznahoos, and through the good offices of the naval commander a treaty of peace was drawn up and signed, one of its articles stipulating that if any disputes should arise they would "be left to the arbitration of the senior officer of the United States in the Territory."[b] In cases where members of the Stikine tribe were charged with murder or other crimes, they were arrested and taken to Oregon for trial, the United States courts of that State having been given jurisdiction over offenses committed in Alaska.[c]

When disturbances broke out along the Unuk River and the chief of the native tribe refused to allow white miners to ascend that river to work the newly discovered placers, the presence of a naval vessel was invoked to preserve order and protect the miners.[d] Similar experiences were had with the Auks and Takus inhabiting the shores of Taku Inlet and River, by whom the authority of the United States was recognized, and visits were made to Sitka seeking for friendly relations with the authorities.[e]

But the chief attention of the naval officers was given to the Indians located about the head of Lynn Canal and along the rivers emptying into its inlets. They were divided into two tribes of the same family, the Chilkats and Chilkoots, whose prosperity, numerical strength, and warlike characteristics made their relations with the whites and other native tribes of much importance; to which was added the fact that they occupied a geographical position which controlled the most acces-

[a] Appendix, p. 361.
[b] Appendix, p. 378.
[c] Appendix, pp. 359, 505.
[d] Appendix, p. 389.
[e] Appendix, pp. 355, 382, 400.

sible passes from the sea to the headwaters of the Yukon River. It has been seen that they received much attention from the Russians during their occupation of the country; that the United States was careful to take formal possession of the region at the time of the transfer; and that in the early years of the American administration the military authorities had exercised special control over these Indians.

The first recorded visit of a naval vessel to the Chilkats was in 1869. It is stated that "they are the most numerous and warlike in this region and their chief is a person of great influence over them." Four years later the admiral commanding the station, acting upon the request of the chief of the Stikines, was able by friendly means to put an end to a war being waged against them by the Chilkats.[a]

Between the years 1879 and 1881 Captain Beardslee was in command in Alaska, and his reports to the Navy Department show that he was constant in his intercourse with and restraint upon the Chilkat chiefs and tribes. In 1879 the different families or divisions among the tribes were at open war with each other, and the hostilities were exposing the whites to peril and putting a stop to all trade. Captain Beardslee sent a party of friendly Indians from Sitka, headed by some Indian policemen, to remonstrate with the Chilkat tribes, to advise a cessation of the war, and to urge them to allow the white miners to pass through their country. They returned bringing an invitation to the miners to come, and promising to give them a friendly welcome. The following year the miners organized an expedition to the mining regions, and they were escorted by a detachment of the navy. The lieutenant in command executed his instructions with success. They passed through unmolested, and for the first time free entrance of miners to the Chilkat country was secured, the prohibition against their entry having previously been strictly maintained.

Captain Beardslee was so much pleased with the honorable and friendly conduct of the Chilkat chief that he sent him a present and a letter, in which he said "The Great Father in Washington, who is father of the Alaska Indians and the white men, will be greatly pleased when he receives the letter which I have sent, telling him of the good conduct of the chiefs of the Chilkats, and that they have become so wise that they can see that it is best to be friends with the white men." But before the season was passed fresh troubles arose, as it was charged that some of the miners, who had pledged them-

[a] Appendix, pp. 362, 363.

selves not to engage in trade with the Indians in the British territory which was expressly reserved to the Chilkats, had not observed their promise.

Captain Beardslee, in view of the threatening character of the news, decided to go himself to the Chilkat country and make such a display of interest and force as to impress the Indians with the earnestness of the Government. He took with him Judge Deady, of the United States court of Oregon, and William Gouverneur Morris, the special agent of the Treasury Department.

On the arrival of the vessel it was found that a fresh war had broken out between the Chilkats and Chilkoots. These disturbances were the more serious as the Northwest Trading Company, an American corporation, and a mission and school connected with the Presbyterian home mission board in New York had been established at the head of the inlets, and the lives of the white persons attached to them were imperiled as well as all trade suspended. Captain Beardslee summoned the chiefs of the rival factions to a conference on the vessel. The chiefs responded, flying the American flag at the head of their canoes as they came aboard. The result was a termination of the war and a better understanding between the miners and the Indians.[a]

While these visits of the naval officers were being made to the head of Lynn Canal, they had likewise devoted their attention to the survey of all the waters in that vicinity, including Taiya Inlet, Chilkoot Inlet and River, Chilkat Inlet, and Chilkat and Tlehini Rivers for more than 8 miles above the village of Klukwan. They also made a census of the tribes and collected other useful statistics.[b]

Among the beneficial results of the administration of the naval authorities was the issuance of an order addressed to all the Indian tribes prohibiting the further existence of a practice "among the Alaska tribes of making slaves of prisoners of war, or of hostages held for the payment of claims."[c]

The Chilkat war of 1880 was followed by another in 1881 between two clans of this tribe, the Crows and the Whales. It had its origin in *hoochenoo*, a liquor made from molasses furnished by the whites—most of the troubles among the Indians being traceable to this cause. The alarming character of the news led the commander at Sitka to send a detachment of the navy, under an experienced officer, to the scene

[a] Appendix, pp. 364–374, 502. [b] Appendix, pp. 374–377, 507.
[c] Appendix, p. 379.

of the hostilities, which was found to be at the village of Klukwan, about 25 miles interior from the mouth of the Chilkat River. This distance was traversed by the naval force, which on arrival found "this was the greatest tribal difficulty that they had ever had." Many Indians had been killed and wounded, and the war was then at its height; but by firmness and conciliation the officer was soon enabled to restore peace. The precaution was taken, however, to leave a naval guard at Portage Bay, near the mouth of the river, for the protection of the trading post and the mission.[a]

In 1884 Congress having passed an act creating a civil government for the Territory of Alaska,[b] on the arrival of a governor appointed under that law, the naval authorities ceased to exercise original control over the Indian tribes, but continued active in their efforts to maintain the peace under the direction of the governor. During the following years the exercise of force by or the presence of the navy, especially in the waters at the head of Lynn Canal, in support of the civil administration was frequent, as will be seen by reference to the naval documents appended to this Case.[c]

At the season of the year when the miners were passing through the Chilkat country a naval vessel or station was continuously maintained there. In the controversy which arose as to the right of the Chilkoot tribe to control the packing trade over the Chilkoot Pass, the naval authorities took an active part, expeditions being sent from the vessels to examine the pass and territory beyond, and report upon the conditions; and the chief of the Chilkoots, upon his own motion, submitted the question of the exclusive right of his tribe to the decision of the civil authorities.[d]

In addition to the logs of the vessels, which are to be found in the Appendix to this Case,[e] official letters or reports are also appended from officers still in the service of the Navy Department who in former years were on duty in Alaskan waters, showing that the Stikine, Auk, Taku, Chilkat, and Chilkoot Indians, who live along the inlets, and rivers of the *lisière*, rendered unquestioned submission to the authority of the United States and recognized their lands as American territory; and that the control exercised by the navy was never questioned by the British authorities.[f]

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[a] Appendix, pp. 379–381.
[b] Appendix, p. 510.
[c] Appendix, pp. 383–396.
[d] Appendix, pp. 392–396.
[e] Appendix, pp. 396–399.
[f] Appendix, pp. 399–407.

EXERCISE OF JURISDICTION BY JUDICIAL AUTHORITIES.

A civil government was not organized for the Territory of Alaska until subsequent to the passage of the act of Congress of 1884.[a] Soon thereafter an office of the United States district court was established at Juneau, and its jurisdiction was extended to the region occupied by the various branches of the Chilkat tribe at the head of Lynn Canal and along the streams emptying into that body of water. The archives of the Department of Justice and of the court mentioned, of which extracts are found in the Appendix to this Case, show that Indians and other residents of the Chilkat country, during the years 1887, 1888, 1889, 1890, 1892, and in all years subsequent to the last date, were arrested and brought before the court, indicted, convicted, and imprisoned, or otherwise punished for violations of the laws of the United States. The localities of these arrests were in the vicinity of all the inlets or arms of Lynn Canal and up the Chilkat River beyond the village of Klukwan, to a distance of 30 miles from tide water.[b]

Accompanying these records are depositions taken in Alaska by the judicial officers of the United States, embracing those of United States commissioners, marshals, interpreters, police officers, and citizens who have been residents of that Territory from the various dates stated in their depositions between 1867 and 1890, giving the details of acts of the judicial authorities since 1867 and the localities of various arrests. From these verified statements it appears that the jurisdiction and processes of the courts and the authority of officers of the United States in and about the shores and waters of Lynn Canal, its inlets and streams, have been exclusive, uncontested, and uncontradicted; and especially that no British or Canadian officer or subject has sought to exercise any authority in that region.

These depositions further show that mercantile establishments, trading posts, and an American mission station, existed at the head of Lynn Canal as early as 1880; that the land upon which they were located was regarded as within the territory of the United States; that from their earliest establishment steps were taken to secure title to this real estate from the United States, through the entry, survey, and

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[a] Appendix, p. 510.

[b] Appendix, pp. 407–413.

record thereof in conformity to the laws of the United States; that, in general, all locations and acquisitions of property rights in the region were made, and all recording of titles was done, pursuant to the laws of the United States; and that all property rights in dispute have been settled through the jurisdiction of the United States courts. It is shown by the deposition of Edward Armstrong, an interpreter and police officer of the United States, that he assisted in taking the census for 1890, and he stated that they "took the census of natives and whites around the head of Lynn Canal and as far up the Chilkat River as Klukwan, including Klukwan; and took the census of natives around Taku Inlet and the Taku River, proceeding and taking said census as far as 30 miles up the Taku River."[a]

Among the depositions taken by the judicial officers, as stated, is that of Don-a-wak, the chief of the Chilkat tribes. He stated that he was a chief "at the time that Russia left Alaska and the United States took charge of Alaska;" that at that time a man-of-war came to Chilkoot Inlet, he "was invited aboard by the commanding officer and informed of the transfer; * * * that from that time until the present day my tribe has recognized the authority and jurisdiction of the United States and its officers over all the country adjacent to Lynn Canal and Chilkoot Inlet and bordering thereon and adjacent to Chilkat Inlet, and at least as far as the summits of the mountains from the heads of the various inlets."[b]

There was also taken the deposition of George Shortridge, the son of the famous head chief of the Chilkats at the time of the occupation by the United States. He stated that his father was at Klukwan when he was summoned to appear before the commander of the American vessel; that a flag and a uniform were given to his father by the officer; that the flag is still in the possession of the deponent at Klukwan; that other Indian witnesses confirm the declaration of Don-a-wak as to the recognition by the Indians of the authority and jurisdiction of the United States over the country and watershed tributary to Lynn Canal; and that since the cession there has never been any attempt on the part of the officials of any other nation to exercise control or jurisdiction within the limits described[c]

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[a] Appendix, pp. 413–446. [b] Appendix, p. 427.

[c] Appendix pp. 444, 543–550.

EXERCISE OF AUTHORITY BY REVENUE OFFICERS.

It has been shown that the Secretary of the Treasury took an active part in the proceedings attending the transfer of Alaska to the United States, by the dispatch of a vessel of the Revenue Marine to that Territory in 1867, whose commander raised the American flag at the head of Lynn Canal on the same day that the transfer of authority was effected at Sitka, and that the Treasury officials took possession of the post at the mouth of the Stikine just vacated by the Hudson's Bay Company.

One of the first acts of the United States customs officials at Fort Wrangell was to reach an understanding with that company as to the manner in which the trade was to be conducted on the Stikine. As already stated, the company had at the time of the cession withdrawn its post at Wrangell and established itself up the river beyond the boundary monument placed by the Russian Government. The chief factor of the company at Victoria, British Columbia, recognizing the change of sovereignty, addressed a letter, January 29, 1869, to the United States collector of customs at Sitka, desiring to know the "formalities required" in transit of goods "to our station on the Stikine River, within the British line;" and he later in the year addressed a similar inquiry to General Davis, the military commander at Sitka. The decision of the Department was that an inspector of customs should be put in charge of the goods while in transit up the river until the vessels transporting them had passed the boundary line; and this practice continued in force for several years.[a]

After Captain Beardslee, the naval commander, had succeeded in securing the consent of the Indians for the whites to enter the territory about the head of Lynn Canal, trade to that region received a fresh impetus, and the treasury officials were kept busy in preventing smuggling, made more easy through the transportation of British merchandise by Indian canoes. An order was therefore issued in 1880 by the Secretary of the Treasury requiring all vessels from foreign ports to enter at the custom-house at Wrangell and they were prohibited from proceeding to Chilkat, and a special inspector was appointed to prevent illicit trade up Lynn Canal.[b] The smuggling, especially of

[a] Appendix, pp. 448–453.

[b] Appendix, pp. 453–455.

whiskey to be supplied to the Indians, continued, and in 1894 two more inspectors were assigned to duty in the Chilkat territory, and quantities of liquor were discovered and confiscated, as far inland as the summit of the pass through the mountains north of Dyea.[a]

W. G. Morris, the special treasury agent at Sitka, reported under date of December 7, 1881, the establishment of two salmon canneries at Pyramid Harbor in Chilkat Inlet, and in the same report he gave a detailed account of his visit with Captain Beardslee, of the navy, to the Chilkat country to quell the war between the tribes of that region, of which notice has already been taken (*ante*, page 93). The report is of value as confirmatory of the exercise of authority by the naval officers over the Indians and of the submission of the natives to the control of the United States. It also shows the activity of the revenue officers in the extreme measures resorted to by them in the vicinity of the headwaters of Lynn Canal, in preventing illicit trade and in their efforts to seize and confiscate intoxicating liquors in the hands of the Indians as well as the traders.[b]

In addition to the authority conferred on the customs officials to enforce the laws in Alaska, as indicated, the Secretary of the Treasury states "that the steamers of the revenue service have made annual visits to the coast in question since 1867, under the instructions of this Department, entering all the inlets and arms of the sea to the head of navigation, for the purpose of protecting the revenue, enforcing United States laws, and preserving peace and order among the natives."[c] The Appendix to this Case contains extracts from the official reports of several of the commanders of revenue cutters, giving accounts of their visits to and intercourse with the natives of the Stikine River, the Auks on Taku River, and the Chilkat tribes at the head of Lynn Canal, as also recent letters on the same subject from captains of vessels still in the service. As indicating the character of that intercourse, the following extract is made from the report of Captain Selden, dated November 12, 1877:

> Before I sailed I called a meeting of their [the Chilkats'] chiefs and talked with them. I told them that I had been sent there by the Great Father at Washington to talk with them and to learn the truth about the reports that had been made against the Indians for pulling down the stockade, and other depredations. I urged strongly upon the Indians the necessity of their remaining at peace and submitting

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[a] Appendix, pp. 460–461. [b] Appendix, pp. 462–470.

[c] Appendix, p. 447.

quietly to the authority of the United States Government, and of relying on its good faith and kind intentions toward them. I moreover told them that if they did molest the white people or destroyed private or public property that the Great Father would punish them severely. * * * They pledged themselves to use every means in their power to keep peace and order, and that no disturbance should occur among their people and the whites if they could prevent it. I am firmly convinced that what they promised they meant to perform.[a]

ACTS OF AUTHORITIES IN RELATION TO SCHOOLS, CENSUS, MINES, AND CONTROL OF THE INDIANS.

The civil government of Alaska dates from September 15, 1884, when the naval commander relinquished at Sitka to the governor appointed by the President "all civil authority hitherto exercised by the United States Navy, deeming that [their] functions in that direction ended with the advent of the civil government."[b] Before this date various missionary societies of the United States had extended their operations to Alaska and established schools at different places, the one of the Presbyterian board of home missions at Haines, Chilkoot Inlet, in 1880, having been already noticed. To this school was added another, under the direction of the United States Bureau of Education, in 1885, and it has been maintained ever since that date.[c]

It became the duty of the governor of Alaska to make an annual report. In that for 1886 he gave an account of a visit made by him to the head of Lynn Canal, accompanied by a deputy United States marshal and a force of eleven men, to investigate a charge of assault made by the chief of the Chilkoots upon a bishop of the Catholic missions. He arrested the chief, took him as a prisoner to Sitka, but for want of sufficient proof he was dismissed, professing regret and promising good conduct in the future.[d] The following year the governor made another visit to the Chilkat country, and in his report described the claim set up by the Indians to an exclusive right to do all the packing over the passes for the miners. He referred to the warlike character of the tribe, and adds: "If there is any one point in the Territory where a military post should be established and maintained it is among these Chilkats."[e]

In the report for 1892 he gave a list of the corps of Indian police which had been organized, three of them being assigned to Chilkat.

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[a] Appendix, p. 472.
[b] Appendix, p. 482.
[c] Appendix, pp. 480, 488, 506.
[d] Appendix, pp. 482–483.
[e] Appendix, p. 484.

He said: "All these policemen are required to report to some white man, usually a deputy marshal, and directed to act under orders from him, to assist the deputy in preserving order, to prevent the manufacture of hoochenoo [native liquor], to influence attendance by the native children of school age upon the Government schools, and to give prompt information relative to any matters of which the Government officers ought to be informed." He described the Chilkat district as "an important one, containing three canneries, several mines, a mission and Government school, and half a dozen, or such a matter, of stores and trading establishments. The district embraces nine Indian villages and extends 25 miles up the Chilkat River into the interior." In the same report he gave an account of the drunken riot which occurred on July 4, out of which grew the trials and convictions shown in the records from the Department of Justice.[a]

Although the civil government was not created till 1884, the United States Census Bureau caused an enumeration to be made of the inhabitants of the Territory of Alaska in 1880, and in the official report of the Tenth Census will be found a detailed enumeration of the various branches of the Chilkat, Taku, and Stikine tribes, with the location of each tribe, as follows: "The Chilkhat tribe, living on Lynn Canal; the Takoo tribe, on Takoo River and inlet," and "the Stakhin tribe, on Stakhin River."[b] A description of the Thlinkit Indians and the habitat especially of these three tribes of the Thlinkit family is given by Dr. Krause, a German traveler and scientist, who published in 1885 an account of his visit to Alaska.[c] A similar enumeration was made in 1890 for the Eleventh Census, which is accompanied with fuller details as to the population and industries of these tribes and districts.[d]

No provision was made for the registration of lands and mining claims until 1885, but previous to that time mining districts were organized by the voluntary action of the miners; the country on the mainland where gold had been discovered was treated as American territory; and by-laws were adopted having in view the application to them of the mining laws of the United States, as will be seen by the by-laws adopted by the Miners' Association of the Taku district in

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[a] Appendix, pp. 485, 486.

[b] Appendix, p. 489.

[c] Appendix, p. 503.

[d] Appendix, pp. 490–491.

1881.[a] The records of the United States General Land Office show that location and registry of mining claims on Lynn Canal were made the first year the government regulations were issued, and the years following that date. It also appears that the year the land office was established at Sitka the Presbyterian mission reservation of 640 acres, allowed by the act of Congress of 1884, was surveyed and a record of it made in that land office.[b]

The first United States post-office established on Lynn Canal was opened at Haines, July 22, 1882, and since that date the United States mail has continued to be transported through the whole extent of that waterway.[c]

The review which has thus been made of the American occupation of the *lisière* establishes the following facts as to the inlets of the ocean penetrating the mainland and of the rivers which cross the boundary in their course to the sea.

At the time of the transfer in 1867 an enumeration of the Indian tribes was made, and the Stikines inhabiting the banks of the river of that name from its mouth to the Russian monument were claimed as within American jurisdiction. They were informed of the transfer, and their chief was given an American flag and a certificate of his authority. In the census of the Territory of Alaska taken in 1880 and again in 1890 these Indians were enumerated. They were subjected to the military and judicial authority of the United States. The Stikine River was considered as within the possessions of the United States as far as the Russian monument.

Taku Inlet and Taku River for a distance of 30 miles from tide water were regarded as American territory, the inhabitants were treated by the military and civil authorities as subject to American control, and they recognized that authority.

Lynn Canal, the inlets at its head, the streams which enter them, and the Chilkat River for a distance from tide water of 30 miles, have been continuously, since the cession, held to be within the Territory of Alaska. At the time of the transfer in 1867, the American flag was raised and the subjection of the Indian tribes was demanded and given; and from that date there has been an unquestioned exercise of American sovereignty, by almost every form of administration—military, naval, revenue, judicial, educational, census, land registry, postal.

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[a] Appendix, p. 494.

[b] Appendix, pp. 494–496.

[c] Appendix, p. 496.

And since the year 1880 this exercise of sovereignty has been attended by the development of commercial, industrial, and social enterprises, until the district so described has become as much an integral part of the United States as any other portion of the American domain.

STATEMENT IN CONCLUSION.

The United States asserts that the evidence, herewith submitted to the Tribunal and reviewed in the foregoing statement, establishes the following facts:

(*a*) That it was the intention of the high contracting parties to the convention of February 16 28, 1825, to confirm in full sovereignty to Russia by that instrument a continuous strip or *lisière* of territory along the continental shores of the Northwest Coast of America, extending from Portland Canal to the 141st meridian of longitude west of Greenwich.

(*b*) That it was the intention of the high contracting parties that the width of such *lisière* was to be 10 marine leagues, measured from the heads of all gulfs, bays, inlets, and arms of the sea—that is, from tide water—unless within that distance from tide water there was wholly or in part a continuous range of mountains lying parallel to the sinuosities of the coast and extending from Portland Canal to the 141st meridian of longitude west of Greenwich, in which latter case the summit of such range was to form the boundary.

(*c*) That the meaning of the treaty conforms to the intention of the high contracting parties as above stated.

(*d*) That the acts of Great Britain and Russia subsequent to the signature of the treaty, and the universal interpretation given to its delimiting articles by governments, geographers, cartographers, and historians of those and other civilized nations, agree with and confirm the intention and meaning as above stated.

(*e*) That the United States purchased the territory from Russia, relying upon such interpretation of the treaty.

(*f*) That the purchase was open and notorious to the world for the period of one year before the purchase price stipulated in the treaty was paid by the United States to Russia; and that neither during that period nor within thirty years thereafter did Great Britain give notice to the United States that she claimed any portion of the territory then ceded by Russia.

(*g*) That the United States entered into possession of and occupied

the *lisière* as above described, exercised sovereign rights therein, and treated the same at all times as a part of its national domain; and to such occupation and exercise of governmental authority Great Britain entered no protest or objection.

(*h*) That the United States, from the time of the cession from Russia, has remained in continuous and undisturbed possession of the territory ceded to it.

(*i*) That the beginning of the southern boundary between the British and Russian possessions was Cape Muzon, which at the time of the negotiation of the treaty of 1825, and long after, was believed to be one of the southern points of Prince of Wales Island, and so appeared upon the maps and charts of the period.

(*j*) That Portland Channel was the body of water now commonly known and described as Portland Canal.

(*k*) That there is not at any point within 10 marine leagues of tide water, between the head of Portland Canal and the 141st degree of longitude west of Greenwich, the whole or any part of a continuous range of mountains parallel with the sinuosities of the coast and extending from Portland Canal to the said 141st degree of longitude; and therefore the width of the *lisière*, above described, is not limited by a boundary line along the summit of such range, but solely by the agreed distance of 10 marine leagues from tide water.

(*l*) That the boundary line, determined by the treaty of 1825, began at Cape Muzon and ran thence in an easterly direction to the entrance to Portland Canal between Wales and Compton islands; thence northeasterly along the center of Portland Canal to a point equidistant from Pearse Island and Ramsden Point; thence northerly along the center of Portland Canal until the line touched the mainland at the head of Portland Canal; thence upon the same course continued to the 56th parallel of north latitude; thence northwesterly, always 10 marine leagues from tide water, around the head of Lynn Canal; thence westerly, still following the sinuosities of the coast at a distance therefrom of 10 marine leagues, until the line intersected the 141st meridian of longitude west of Greenwich; and thence due north along that meridian to the shore of the Arctic Ocean.

The United States, upon the facts established by the evidence herewith submitted, claims that the questions referred for decision to the

Tribunal, as set forth in Article IV of the treaty, should be answered and decided as hereinafter stated; and it therefore recites such questions and makes specific request as to each, as follows:

1. What is intended as the point of commencement of the line?

The United States requests the Tribunal to answer and decide that Cape Muzon is the point of commencement above mentioned.

2. What channel is the Portland Channel?

The United States requests the Tribunal to answer and decide that Portland Channel is the same body of water now commonly known and described as Portland Canal, which, passing from the north between Ramsden Point on the mainland and Pearse Island, and thence southward of said island and Wales Island, enters Dixon Entrance between the island last mentioned and Compton Island.

3. What course should the line take from the point of commencement to the entrance to Portland Channel?

The United States requests the Tribunal to answer and decide that the line from Cape Muzon should be drawn in an easterly direction until it intersects the center of Portland Channel at its opening into Dixon Entrance.

4. To what point of the 56th parallel is the line to be drawn from the head of the Portland Channel, and what course should it follow between these points?

The United States requests the Tribunal to answer and decide that the line should be drawn from the head of Portland Channel northeasterly along the same course on which said line touches the mainland at the head of Portland Channel until it intersects the 56th parallel of north latitude.

5. In extending the line of demarcation northward from said point on the parallel of the 56th degree of North latitude, following the crest of the mountains situated parallel to the coast until its intersection with the 141st degree of longitude west of Greenwich, subject to the condition that if such line should anywhere exceed the distance of ten marine leagues from the ocean, then the boundary between the British and the Russian territory should be formed by a line parallel to the sinuosities of the coast and distant therefrom not more than ten marine leagues, was it the intention and meaning of said convention of 1825 that there should remain in the exclusive possession of Russia a continuous fringe

or strip of coast on the mainland, not exceeding ten marine leagues in width, separating the British Possessions from the bays, ports, inlets, havens, and waters of the ocean, and extending from the said point on the 56th degree of latitude north to a point where such line of demarcation should intersect the 141st degree of longitude west of the meridian of Greenwich?

The United States requests the Tribunal to answer and decide that it was the intention and meaning of said convention of 1825 that there should remain in the exclusive possession of Russia a continuous fringe or strip of coast on the mainland not exceeding ten marine leagues in width, separating the British possessions from the bays, ports, inlets, havens, and waters of the ocean, and extending from the said point on the 56th degree of latitude north to a point where such line of demarcation should intersect the 141st degree of longitude west of the meridian of Greenwich.

6. If the foregoing question should be answered in the negative, and in the event of the summit of such mountains proving to be in places more than ten marine leagues from the coast, should the width of the lisière which was to belong to Russia be measured (1) from the mainland coast of the ocean, strictly so-called, along a line perpendicular thereto, or (2) was it the intention and meaning of the said convention that where the mainland coast is indented by deep inlets, forming part of the territorial waters of Russia, the width of the lisière was to be measured (a) from the line of the general direction of the mainland coast, or (b) from the line separating the waters of the ocean from the territorial waters of Russia, or (c) from the heads of the aforesaid inlets?

The United States, insisting that the fifth question should be answered in the affirmative, as above requested, therefore submits that an answer to the sixth question is unnecessary. But if the Tribunal should decide otherwise and answer the fifth question in the negative, then the United States, without waiving the request made as to the answer and decision of the fifth question, requests the Tribunal to answer and decide that in the event of the summit of such mountains proving to be more than ten marine leagues from the coast, the width of the *lisière*, which was to belong to Russia, should *not* be measured from the mainland coast of the ocean, strictly so-called, along a line perpendicular thereto; but that it was the intention and meaning of

the said convention that where the mainland coast is indented by deep inlets, forming part of the territorial waters of Russia, the width of the *lisière* was to be measured from the heads of such inlets.

7. What, if any exist, are the mountains referred to as situated parallel to the coast, which mountains, when within ten marine leagues from the coast, are declared to form the eastern boundary?

The United States requests the Tribunal to answer and decide that such mountains do not exist within ten marine leagues from the coast.

ALASKAN BOUNDARY TRIBUNAL.

APPENDIX

TO THE

CASE OF THE UNITED STATES

BEFORE THE

TRIBUNAL CONVENED AT LONDON

UNDER THE

PROVISIONS OF THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN CONCLUDED JANUARY 24, 1903.

WASHINGTON.
GOVERNMENT PRINTING OFFICE.
1903.

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TREATIES.

CONVENTION BETWEEN THE UNITED STATES AND GREAT BRITAIN PROVIDING FOR THE SETTLEMENT OF QUESTIONS BETWEEN THE TWO COUNTRIES WITH RESPECT TO THE BOUNDARY LINE BETWEEN THE TERRITORY OF ALASKA AND THE BRITISH POSSESSIONS IN NORTH AMERICA.

[Signed at Washington January 24, 1903. Ratification advised by the Senate February 11, 1903. Ratified by the President February 24, 1903. Ratified by Great Britain February 16, 1903. Ratifications exchanged at Washington March 3, 1903. Proclaimed March 3, 1903.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Convention between the United States of America and Great Britain providing for the settlement of questions between the two countries with respect to the boundary line between the territory of Alaska and the British possessions in North America, was concluded and signed by their respective Plenipotentiaries at Washington, on the twenty-fourth day of January, one thousand nine hundred and three, the original of which Convention is word for word as follows:

The United States of America and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, equally desirous for the friendly and final adjustment of the differences which exist between them in respect to the true meaning and application of certain clauses of the convention between Great Britain and Russia, signed under date of February 28/16, A. D. 1825, which clauses relate to the delimitation of the boundary line between the territory of Alaska, now a possession of the United States, and the British possessions in North America, have resolved to provide for the submission of the questions as hereinafter stated to a tribunal, and to that end have appointed their respective plenipotentiaries as follows:

The President of the United States of America, John Hay, Secretary of State of the United States; and

His Britannic Majesty, the Right Honorable Sir Michael H. Herbert, K. C. M. G., C. B., His Britannic Majesty's Ambassador Extraordinary and Plenipotentiary;

Who, after an exchange of their full powers which were found to be in good and due form, have agreed upon the following articles:

ARTICLE I.

A tribunal shall be immediately appointed to consider and decide the questions set forth in Article IV of this convention. The tribunal

shall consist of six impartial jurists of repute who shall consider judicially the questions submitted to them, each of whom shall first subscribe an oath that he will impartially consider the arguments and evidence presented to the tribunal and will decide thereupon according to his true judgment. Three members of the tribunal shall be appointed by the President of the United States, and three by His Britannic Majesty. All questions considered by the tribunal, including the final award, shall be decided by a majority of all the members thereof.

In case of the refusal to act, or of the death, incapacity or abstention from service of any of the persons so appointed, another impartial jurist of repute shall be forthwith appointed in his place by the same authority which appointed his predecessor.

The tribunal may appoint a secretary and a bailiff to perform such duties as they may prescribe, and may employ scientific experts if found to be necessary, and may fix a reasonable compensation for such officers. The tribunal shall keep an accurate record of all its proceedings.

Each of the High Contracting Parties shall make compensation for the services of the members of the tribunal of its own appointment and of any agent, counsel, or other person employed in its behalf, and shall pay all costs incurred in the preparation of its case. All expenses reasonably incurred by the tribunal in the performance of its duties shall be paid by the respective governments in equal moieties.

The tribunal may, subject to the provisions of this convention, establish all proper rules for the regulation of its proceedings.

Article II.

Each of the High Contracting Parties shall also name one person to attend the tribunal as its agent.

The written or printed case of each of the two parties, accompanied by the documents, the official correspondence and all other evidence in writing or print on which each party relies, shall be delivered in duplicate to each member of the tribunal and to the agent of the other party as soon as may be after the organization of the tribunal, but within a period not exceeding two months from the date of the exchange of ratifications of this convention.

Within two months after the delivery on both sides of the written or printed case, either party may, in like manner, deliver in duplicate to each member of the tribunal, and to the agent of the other party, a counter-case and additional documents, correspondence and evidence in reply to the case, documents, correspondence and evidence so presented by the other party. The tribunal may, however, extend this last mentioned period when in their judgment it becomes necessary by reason of special difficulties which may arise in the procuring of such additional papers and evidence.

If in the case submitted to the tribunal either party shall have specified or referred to any report or document in its own exclusive possession without annexing a copy, such party shall be bound, if the other party shall demand it, within thirty days after the delivery of the case, to furnish to the party applying for it a duly certified copy

thereof; and either party may call upon the other, through the tribunal, to produce the original or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the tribunal may require; and the original or copy so requested shall be delivered as soon as may be and within a period not exceeding forty days after receipt of notice.

Each party may present to the tribunal all pertinent evidence, documentary, historical, geographical, or topographical, including maps and charts, in its possession or control and applicable to the rightful decision of the questions submitted; and if it appears to the tribunal that there is evidence pertinent to the case in the possession of either party, and which has not been produced, the tribunal may in its discretion order the production of the same by the party having control thereof.

It shall be the duty of each party through its agent or counsel, within two months from the expiration of the time limited for the delivery of the counter-case on both sides, to deliver in duplicate to each member of the said tribunal and to the agent of the other party a written or printed argument showing the points and referring to the evidence upon which his Government relies, and either party may also support the same before the tribunal by oral argument of counsel. The tribunal may, if they shall deem further elucidation with regard to any point necessary, require from either party a written, printed, or oral statement or argument upon the point; but in such case the other party shall have the right to reply thereto.

Article III.

It is agreed by the High Contracting Parties that the tribunal shall consider in the settlement of the questions submitted to its decision the Treaties respectively concluded between His Britannic Majesty and the Emperor of All the Russias under date of 28 16 February, A. D. 1825, and between the United States of America and the Emperor of All the Russias concluded under date of March 30 18, A. D. 1867; and particularly the Articles III, IV, V, of the first mentioned treaty, which in the original text are word for word as follows:

"La ligne de démarcation entre les Possessions des Hautes Parties Contractantes sur la Côte du Continent et les Iles de l'Amérique Nord-Ouest, sera tracée ainsi qu'il suit:

"A partir du Point le plus méridional de l'Ile dite *Prince of Wales*, lequel Point se trouve sous la parallèle du 54me degré 40 minutes de latitude Nord, et entre le 131me et 133me degré de longitude Ouest (Méridien de Greenwich), la dite ligne remontera au Nord le long de la passe dite *Portland Channel*, jusqu'au Point de la terre ferme où elle atteint le 56me degré latitude Nord; de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallélement à la Côte, jusqu'au point d'intersection du 141me degré de longitude Ouest (même Méridien; et finalement, du dit point d'intersection, la même ligne méridienne du 141me degré formera, dans son prolongement jusqu'à la Mer Glaciale, la limite entre les Possessions Russes et Britanniques sur le Continent de l'Amérique Nord-Ouest."

IV.

"Il est entendu, par rapport à la ligne de démarcation déterminée dans l'Article précédent;

"1. Que l'Isle dite *Prince of Wales* appartiendra toute entière à la Russie.

"2. Que partoute où la crête des montagnes qui s'étendent dans une direction parallèle à la Côte depuis le 56me degré de latitude Nord au point d'intersection du 141me degré de longitude Ouest, se trouveroit à la distance de plus de dix lieues marines de l'Océan, la limite entre les Possessions Britanniques et la lisière de Côte mentionnée ci-dessus comme devant appartenir à la Russie, sera formée par une ligne parallèle aux sinuosités de la Côte, et qui ne pourra jamais en être éloignée que de dix lieues marines."

V.

"Il est convenu en outre, que nul Etablissement ne sera formé par l'une des deux Parties dans les limites que les deux Articles précédens assignent aux Possessions de l'Autre. En conséquence, les Sujets Britanniques ne formeront aucun Etablissement soit sur la Côte, soit sur la lisiére de terre ferme comprise dans les limites des Possessions Russes, telles qu'elles sont désignées dans les deux Articles précédens; et, de même, nul Etablissement ne sera formé par des Sujets Russes au delà des dîtes limites."

The tribunal shall also take into consideration any action of the several governments or of their respective representatives preliminary or subsequent to the conclusion of said treaties so far as the same tends to show the original and effective understanding of the parties in respect to the limits of their several territorial jurisdictions under and by virtue of the provisions of said treaties.

ARTICLE IV.

Referring to Articles III, IV, and V of the said treaty of 1825 the said tribunal shall answer and decide the following questions:—

1. What is intended as the point of commencement of the line?

2. What channel is the Portland Channel?

3. What course should the line take from the point of commencement to the entrance to Portland Channel?

4. To what point on the 56th parallel is the line to be drawn from the head of the Portland Channel, and what course should it follow between these points?

5. In extending the line of demarcation northward from said point on the parallel of the 56th degree of North latitude, following the crest of the mountains situated parallel to the coast until its intersection with the 141st degree of longitude west of Greenwich, subject to the condition that if such line should anywhere exceed the distance of ten marine leagues from the ocean then the boundary between the British and the Russian territory should be formed by a line parallel to the sinuosities of the coast and distant therefrom not more than ten marine leagues, was it the intention and meaning of said convention of 1825 that there should remain in the exclusive possession of Russia a con-

tinuous fringe or strip of coast on the mainland, not exceeding ten marine leagues in width, separating the British Possessions from the bays, ports, inlets, havens, and waters of the ocean, and extending from the said point on the 56th degree of latitude north to a point where such line of demarcation should intersect the 141st degree of longitude west of the Meridian of Greenwich?

6. If the foregoing question should be answered in the negative, and in the event of the summit of such mountains proving to be in places more than ten marine leagues from the coast, should the width of the lisière which was to belong to Russia be measured (1) from the mainland coast of the ocean, strictly so-called, along a line perpendicular thereto, or (2) was it the intention and meaning of the said convention that where the mainland coast is indented by deep inlets, forming part of the territorial waters of Russia, the width of the lisière was to be measured (a) from the line of the general direction of the mainland coast, or (b) from the line separating the waters of the ocean from the territorial waters of Russia, or (c) from the heads of the aforesaid inlets?

7. What, if any exist, are the mountains referred to as situated parallel to the coast, which mountains, when within ten marine leagues from the coast, are declared to form the eastern boundary?

Article V.

The tribunal shall assemble for their first meeting at London as soon as practicable after receiving their commissions; and shall themselves fix the times and places of all subsequent meetings.

The decision of the tribunal shall be made as soon as possible after the conclusion of the arguments in the case, and within three months thereafter, unless the President of the United States and His Britannic Majesty shall by common accord extend the time therefor. The decision shall be made in writing, and dated, and shall be signed by the members of the tribunal assenting to the same. It shall be signed in duplicate, one copy whereof shall be given to the agent of the United States of America for his government, and the other to the agent of His Britannic Majesty for his government.

Article VI.

When the High Contracting Parties shall have received the decision of the tribunal upon the questions submitted as provided in the foregoing articles, which decision shall be final and binding upon all parties, they will at once appoint, each on its own behalf, one or more scientific experts who shall with all convenient speed proceed together to lay down the boundary line, in conformity with such decision.

Should there be, unfortunately, a failure by a majority of the tribunal to agree upon any of the points submitted for their decision, it shall be their duty to so report in writing to the respective governments through their respective agents. Should there be an agreement by a majority upon a part of the questions submitted, it shall be their duty to sign and report their decision upon the points of such agreement in the manner hereinbefore prescribed.

ARTICLE VII.

The present Convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate, and by His Britannic Majesty, and the ratifications shall be exchanged in Washington or in London so soon as the same may be effected.

In faith whereof we, the respective plenipotentiaries, have signed this Convention and have hereunto affixed our seals.

Done at Washington, in duplicate, this 24th day of January, A. D. 1903.

JOHN HAY [SEAL.]
MICHAEL H. HERBERT [SEAL.]

And whereas the said Convention has been duly ratified on both parts, and the ratifications of the two governments were exchanged in the City of Washington, on the third day of March, one thousand nine hundred and three;

Now, therefore, be it known that I, THEODORE ROOSEVELT, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the City of Washington, this third day of March, in the year of our Lord one thousand nine hundred and three, and [SEAL] of the Independence of the United States the one hundred and twenty-seventh.

THEODORE ROOSEVELT

By the President:
JOHN HAY,
Secretary of State.

TRANSLATION OF THE PASSAGES IN THE FRENCH LANGUAGE CONTAINED IN ARTICLE III OF THE CONVENTION BETWEEN THE UNITED STATES AND GREAT BRITAIN, SIGNED JANUARY 24, 1903, SUBMITTED TO THE SENATE OF THE UNITED STATES BEFORE RATIFICATION.

The line of demarcation between the possessions of the high contracting parties upon the coast of the continent and the islands of the Northwest America shall be traced as follows:

Starting from the southernmost point of the island called Prince of Wales, which point is situated on the parallel of 54 degrees 40 minutes of north latitude and between the 131st and 133d degree of west longitude (meridian of Greenwich), the said line shall ascend northward along the passage called *Portland Channel* as far as the point of the mainland, where it [the line][a] reaches the 56th degree of north latitude; from this latter point the line of demarcation shall follow the crest of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude (same meridian); and

[a] French *elle*, the governing antecedent being *la ligne*, which is the subject of the sentence. If reference to *la passe*, which is a detail of the sentence, had been intended, French grammatical usage would have required its express designation as celle-ci—the latter.

finally, from said point of intersection the same meridian line of the 141st degree shall form, in its extension as far as the Arctic Ocean,[a] the boundary between the Russian and British possessions upon the continent of Northwest America.

IV.

It is understood with regard to the line of demarcation fixed in the preceding article—

1. That the island called *Prince of Wales* shall belong wholly to Russia.

2. That wherever the crest of the mountains which stretch in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude may lie at the distance of more than ten marine leagues from the ocean the boundary between the British possessions and the coast strip[b] mentioned above as having to belong to Russia shall be formed by a line parallel to the sinuosities of the coast, and which can in no case be more distant therefrom than ten leagues.

V.

It is moreover agreed that no establishment shall be formed by either of the two parties within the limits which the two preceding articles assign to the possessions of the other. Consequently British subjects shall not form any establishment either upon the coast or upon the mainland strip[c] comprised within the limits of the Russian possessions as they are designated in the two preceding articles, and in like wise no establishment shall be formed by the Russian subjects beyond the said limits.

LITERAL TRANSLATION OF ARTICLES III AND IV OF THE RUSSIAN TEXT OF THE TREATY BETWEEN GREAT BRITAIN AND RUSSIA OF FEBRUARY 28 16, 1825, AS CERTIFIED BY THE RUSSIAN FOREIGN OFFICE.[d]

III. The line of limit-separation between the possessions of the High negotiating sides upon the shore of solid land and upon the islands of Northwest America shall be drawn out in the following manner:

Beginning from the very southern part of the island, named *Prince of Wales*, which point finds itself under 54 degree 40 minutes of north latitude and between 131 and 133 degree of west longitude (counting from Greenwich meridian), the above-mentioned line stretches itself through to the north lengthwise by the inlet, called *Portland Canal* up to that point of solid land where she [the line, not the inlet] touches the 56 degree of north latitude. Thence the line of limit-separation shall follow the backbone of the mountains spread out in a parallel direction with the shore up to the point of cutting across upon the 141

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[a] French, *mer glaciale*—frozen ocean.

[b] In French, la lisiere de côte. The word "lisiere" means literally "selvedge," and by use any border or edging strip.

[c] In French, la lisiere de terre ferme, lisiere de côte. In both these phrases the qualification of lisiere is adjectival, not particular, as treated in the English translation of 1825. They mean "coastwise strip" or "coast strip" and "mainland strip," respectively, not "line of *the* coast" or "lisiere of *the* continent," as translated by the British foreign office.

[d] The Russian text, of which the above is a translation, will be found facing page 8.

degree of west longitude (from the same meridian), and, finally, from this point of cutting-across the same meridinal line of 141 degree composes in its continuation up to the Frozen sea, the boundary between the Russian and of Great Britain possessions on the solid land of Northwest America.

IV. In relation to the line of limit-separation, defined in the preceding article, it is understood:

1. That the island, named *Prince of Wales*, shall belong to Russia entire without exception.

2. That everywhere, where the backbone of the mountains stretches out in a parallel direction with the shore from 56 degree of north latitude up to the point of cutting-across under 141 degree of west longitude, shall stand away farther than ten marine miles from the Ocean the boundary between the Great Britain possessions and the above-designated shore as being necessary to belong to Russia, shall be drawn out by a parallel line with the crookedness (Кривизнами) of the shore and cannot go farther than ten naval miles from it.

TREATY BETWEEN THE UNITED STATES AND RUSSIA RELATIVE TO NAVIGATION, FISHING, AND TRADING IN THE PACIFIC OCEAN AND TO ESTABLISHMENTS ON THE NORTHWEST COAST, CONCLUDED APRIL 5/17, 1824

Au Nom de la très Sainte et Indivisible Trinité:

Le Président des Etats-Unis d'Amérique, et Sa Majesté l'Empereur de toutes les Russies, voulant cimenter les liens d'amaitié qui les unissent et assurer entre eux le maintien invariable d'un parfait accord, moyennant la présente Convention, ont nommé pour Leurs Plénipotentiaires à cet effet, savoir: le Président des Etats-Unis d'Amérique, le Sieur Henry Middleton, Citoyen des dits Etats, et Leur Envoyé Extraordinaire et Ministre Plenipotentiaire près Sa Majesté Impériale: et Sa Majesté l'Empereur de toutes les Russies, Ses amés et féaux les Sieurs Charles Robert Compte de Nesselrode, Conseiller Privé actuel, Membre du Conseil d'Etat, Secrétaire d'Etat Dirigeant le Ministère des affaires étrangères, Chambellan actuel, Chevalier de l'ordre de St. Alexandre Nevsky, Grand Croix de l'ordre de St. Wladmir de la 1re classe, Chevalier de celui de l'aigle blanc de Pologne, Grand Croix de l'ordre de St. Etienne de Hongrie, Chevalier des ordres du St. Esprit et de St. Michel et Grand Croix de celui de la Légion d'Honneur de France, Chevalier Grand Croix des ordes de l'Aigle noir et de l'Aigle rouge de Prusse, de l'Annonciade de Sardaigne, de Charles III d'Espagne, de St. Ferdinand et du mérite de Naples, de l'Eléphat de Danemarc, de l'Etoile Polaire de Suède, de la Couronne de Wurtemberg, des Guelphes de Hanovre, du Lion Belge, de la Fidélité de Bade, et de St. Constantin de Parme, et Pierre de Poletica, Conseiller d'Etat actuel, Chevalier de l'ordre de Ste. Anne de la 1re classe, et Grand Croix de l'ordre de St. Wladmir de la seconde: lesquels après avoir échangé leurs pleins-pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les stipulations suivantes.

Article Premier.

Il est convenu que dans aucune partie du Grand Océan, appelé communément Océan Pacifique on Mer du Sud, les Citoyens ou Sujets re-

III. Черта разграниченія между владѣніями Высокихъ договаривающихся сторонъ по берегу твердой земли и по островамъ Сѣверо-западной Америки будетъ проведена слѣдующимъ образомъ:

Начиная съ самой южной части острова, именуемаго Принцъ Валлійскій, каковая точка находится подъ 54 градусомъ 40 минутами сѣверной широты и между 131 и 133 градусомъ западной долготы (считая отъ Гринвичскаго меридіана), вышесказанная черта протянется къ сѣверу вдоль по проливу, называемому Портландскій каналъ до той точки твердой земли, гдѣ она касается 56 градуса сѣверной широты. Отсюда черта разграниченія пойдетъ по хребту горъ, простирающихся въ параллельномъ направленіи съ берегомъ до точки пересѣченія на 141 градусѣ западной долготы (отъ того же меридіана), и, наконецъ, отъ сей точки

2

пресѣченія таже меридіальная линія
141 градусъ составитъ въ своемъ про-
долженіи до Ледовитаго моря, гра-
ницу между Россійскими и Вели-
кобританскими владѣніями на
твердой землѣ Сѣверо-западной Аме-
рики. —

IV. Въ отношеніи къ черти разграниченія, опредѣленной въ предыдущей статьѣ, разумѣется:

1.– Что островъ именуемый Принцъ Валлійскій, принадлежать будетъ Россіи весь безъ изъятія.–

2.– Что вездѣ, гдѣ хребетъ горъ простирается въ параллельномъ направленіи къ берегу отъ 56 градуса сѣверной широты до точки пресѣченія подъ 141 градусомъ западной долготы, отстоять будетъ далѣе десяти морскихъ миль отъ Океана, граница между владѣніями Великобританскими и выше означенными берегомъ, яко долженствующимъ принадлежать Россіи, проведена будетъ параллельно черты съ кривизнами берега и не можетъ идти далѣе десяти морскихъ миль отъ онаго.–

spectifs des hautes Puissances contractantes ne seront ni troublés, ni gênés, soit dans la navigation, soit dans l'exploitation de la pêche, soit dans la faculté d'aborder aux côtes sur des points qui ne seroient pas déjà occupés, afin d'y faire le commerce avec les Indigènes, sauf toutefois les restrictions et conditions déterminées par les articles qui suivent.

Article Deuxième.

Dans la vue d'empêcher que les droits de navigation et de pêche exercés sur le grand Océan par les Citoyens et Sujets des hautes Puissances contractantes ne deviennent le prétexte d'un commerce illicite, il est convenu que les Citoyens des Etats Unis n'aborderont à aucun point où il se trouve un établissement Russe, sans la permission du Gouverneur ou Commandant; et que réciproquement les Sujets Russes ne pourront aborder sans permission à aucun établissement des Etats-Unis sur la Côte nord-ouest.

Article Troisième.

Il est convenu en outre, que dorénavant il ne pourra être formé par les Citoyens des Etats-Unis, ou sous l'autorité des dits Etats, aucun établissement sur la Côte nord ouest d'Amérique, ni dans aucune des îles adjacentes *au Nord* du cinquante quatrième degré et quarante minutes de latitude septentrionale; et que de même il n'en pourra être formé ancun par des Sujets Russes, ou sous l'autorité de la Russie, *au Sud* de la même parallèle.

Article Quatrième.

Il est néanmoins entendu que pendant un terme de dix années à compter de la signature de la présente Convention, les Vaisseaux des deux Puissances, ou qui appartiendraient à leurs Citoyens ou Sujets respectifs, pourront réciproquement fréquenter sans entrave quelconque, les mers intérieures, les golfes, hâvres et criques sur la Côte mentionnée dans l'article précédent, afin d'y faire la pêche et le commerce avec les naturels du pays.

Article Cinquième.

Sont toutefois exceptées de ce même commerce accordé par l'article précédent, toutes les liqueurs spiritueuses, les armes à feu, armes blanches, poudre et munitions de guerre de toute espèce, que les deux Puissances s'engagent réciproquement à ne pas vendre, ni laisser vendre aux Indigènes par leurs Citoyens et Sujets respectifs, ni par aucun individu qui se trouveroit sous leur autorité. Il est également stipulé que cette restriction ne pourra jamais servir de prétexte ni être alléguée dans aucun cas, pour autoriser soit la visite ou la détention des Vaisseaux, soit la saisie de la marchandise, soit enfin des mesures quelconques de contrainte envers les armateurs ou les équipages qui feraient ce commerce; les hautes Puissances contractantes s'étant réciproquement réservé de statuer sur les peines à encourir, et d'infliger les amendes encourues en cas de contravention à cet article par leurs Citoyens ou Sujets respectifs.

ARTICLE SIXIÈME.

Lorsque cette Convention aura été duement ratifiée par le Président des Etats Unis de l'avis et du consentement du Sénat, d'une part, et de l'autre par Sa Majesté l'Empereur de toutes les Russies, les ratifications en seront échangées à Washington dans le délai de dix mois de la date ci-dessous ou plutôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signée, et y ont fait apposer les cachets de leurs armes.

Fait à St. Petersbourg le $\frac{5}{17}$ Avril de l'an de grâce mil huit cent vingt quatre.

[SEAL.] HENRY MIDDLETON.
[SEAL.] Le Comte CHARLES DE NESSELRODE.
[SEAL.] PIERRE DE POLETICA.

[Translation.]

In the name of the Most Holy and Indivisible Trinity.

The President of the United States of America and His Majesty the Emperor of all the Russias, wishing to cement the bonds of amity which unite them, and to secure between them the invariable maintenance of a perfect concord, by means of the present convention, have named as their Plenipotentiaries to this effect, to wit:

The President of the United States of America, Henry Middleton, a citizen of said States, and their Envoy Extraordinary and Minister Plenipotentiary near his Imperial Majesty; and His Majesty the Emperor of all the Russias, his beloved and faithful Charles Robert Count of Nesselrode, actual Privy Counsellor, Member of the Council of State, Secretary of State directing the administration of Foreign Affairs, actual Chamberlain, Knight of the Order of St. Alexander Nevsky, Grand Cross of the Order of St. Wladimir of the first class, Knight of that of the White Eagle of Poland, Grand Cross of the Order of St. Stephen of Hungary, Knight of the Orders of the Holy Ghost and St. Michael, and Grand Cross of the Legion of Honor of France, Knight Grand Cross of the Orders of the Black and of the Red Eagle of Prussia, of the Annunciation of Sardinia, of Charles III of Spain, of St. Ferdinand and of Merit of Naples, of the Elephant of Denmark, of the Polar Star of Sweden, of the Crown of Würtemberg, of the Guelphs of Hanover, of the Belgic Lion, of Fidelity of Baden, and of St. Constantine of Parma; and Pierre de Poletica, actual Counsellor of State, Knight of the Order of St. Anne of the first class, and Grand Cross of the Order of St. Wladimir of the second;

Who, after having exchanged their full powers, found in good and due form have agreed upon and signed the following stipulations:

ARTICLE I.

It is agreed that, in any part of the Great Ocean, commonly call the Pacific Ocean, or South Sea, the respective citizens or subjects the high contracting Powers shall be neither disturbed nor restraine either in navigation or in fishing, or in the power of resorting to t coasts, upon points which may not already have been occupied, for t purpose of trading with the natives, saving always the restrictions an conditions determined by the following articles.

ARTICLE II.

With a view of preventing the rights of navigation and of fishing exercised upon the Great Ocean by the citizens and subjects of the high contracting Powers from becoming the pretext for an illicit trade, it is agreed that the citizens of the United States shall not resort to any point where there is a Russian establishment, without the permission of the governor or commander; and that, reciprocally, the subjects of Russia shall not resort, without permission, to any establishment of the United States upon the Northwest coast.

ARTICLE III.

It is moreover agreed that, hereafter, there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishment upon the northwest coast of America, nor in any of the islands adjacent, to the north of fifty-four degrees and forty minutes of north latitude; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, south of the same parallel.

ARTICLE IV.

It is, nevertheless, understood that during a term of ten years, counting from the signature of the present convention, the ships of both Powers, or which belong to their citizens or subjects respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks, upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country.

ARTICLE V.

All spirituous liquors, fire-arms, other arms, powder, and munitions of war of every kind, are always excepted from this same commerce permitted by the preceding article; and the two Powers engage, reciprocally, neither to sell, nor suffer them to be sold, to the natives by their respective citizens and subjects, nor by any person who may be under their authority. It is likewise stipulated that this restriction shall never afford a pretext, nor be advanced, in any case, to authorize either search or detention of the vessels, seizure of the merchandise, or, in fine, any measures of constraint whatever towards the merchants or the crews who may carry on this commerce; the high contracting Powers reciprocally reserving to themselves to determine upon the penalties to be incurred, and to inflict the punishments in case of the contravention of this article by their respective citizens or subjects.

ARTICLE VI.

When this convention shall have been duly ratified by the President of the United States, with the advice and consent of the Senate, on the one part, and, on the other, by His Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington in the space of nine months from the date below, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed this convention, and thereto affixed the seals of their arms.

Done at St. Petersburg the 17 5 April, of the year of Grace one thousand eight hundred and twenty-four.

[SEAL.] HENRY MIDDLETON.
[SEAL.] Le Comte CHARLES DE NESSELRODE.
[SEAL.] PIERRE DE POLETICA.

TREATY BETWEEN GREAT BRITAIN AND RUSSIA, SIGNED AT ST. PETERSBURG FEBRUARY 16/28, 1825.

Au Nom de la Très Sainte et Indivisible Trinité.

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, et Sa Majesté l'Empereur de toutes les Russies, désirant resserrer les liens de bonne intelligence et d'amitié qui les unissent, au moyen d'un accord qui réglerait; d'après le principe des convenances réciproques, divers points relatifs au Commerce, à la Navigation, et aux Pêcheries de leurs Sujets sur l'Océan Pacifique, ainsi que les limites de leurs Possessions respectives sur la Côte Nord-ouest de l'Amérique, ont nommé des Plénipotentiaires pour conclure une Convention à cet effet, savoir;—Sa Majesté le Roi du Royaume Uni de La Grande Bretagne et de l'Irlande, le Très Honorable Stratford Canning, Conseiller de Sa dite Majesté en Son Conseil Privé, &c. Et Sa Majesté l'Empereur de toutes les Russies, le Sieur Charles Robert Comte de Nesselrode, Son Conseiller Privé actuel, Membre du Conseil de l'Empire, Secrétaire d'Etat dirigeant le Ministère des Affaires Etrangères, &c.; et le Sieur Pierre de Poletica, Son Conseiller d'Etat actuel, &c. Lesquels Plénipotentiaires, après s'être communiqué leurs Plein-pouvoirs respectifs, trouvés en bonne et due forme, ont arrêté et signé les Articles suivans:—

I. Il est convenu que dans aucune partie du Grand Océan, appelé communément Océan Pacifique, les Sujets respectifs des Hautes Puissances Contractantes ne seront ni troublés, ni gênés, soit dans la navigation, soit dans l'exploitation de la pêche, soit dans la faculté d'aborder aux Côtes, sur des Points qui ne seraient pas déjà occupés, afin d'y faire le commerce avec les Indigènes, sauf toutefois les restrictions et conditions déterminées par les Articles qui suivent.

II. Dans la vue d'empêcher que les droits de navigation et de pêche exercés sur le Grand Océan par les Sujets des Hautes Parties Contractantes, ne deviennent le prétexte d'un commerce illicite, il est convenu que les Sujets de Sa Majesté Britannique n'aborderont à aucun Point où il se trouve un Etablissement Russe, sans la permission du Gouverneur ou Commandant, et que, réciproquement, les Sujets Russes ne pourront aborder, sans permission, à aucun Etablissement Britannique, sur la Côte Nord-ouest.

III. La ligne de démarcation entre les Possessions des Hautes Parties Contractantes sur la Côte du Continent et les Iles de l'Amérique Nord-ouest, sera tracée ainsi qu'il suit:—

A partir du Point le plus méridional de l'Ile dite Prince of Wales, lequel Point se trouve sous la parallèle du 54^{me} degré 40 minutes de latitude Nord, et entre le 131^{me} et le 133^{me} degré de longitude Ouest

(Méridien de Greenwich), la dite ligne remontera au Nord de long de la passe dite Portland Channel, jusqu'au Point de la terre ferme où elle atteint le 56^{me} degré de latitude Nord: de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la Côte, jusqu'au point d'intersection du 141^{me} degré de longitude Ouest (même Méridien); et, finalement, du dit point d'intersection, la même ligne méridienne du 141^{me} degré formera, dans son prolongement jusqu'à la mer Glaciale, la limite entre les Possessions Russes et Britanniques sur le Continent de l'Amérique Nord-ouest.

IV. Il est entendu, par rapport à la ligne de démarcation déterminée dans l'Article précédent:

1°. Que l'île dite Prince of Wales appartiendra toute entière à la Russie:

2°. Que partout où la crête des montagues qui s'étendent dans une direction parallèle à la Côte depuis le 56^{me} degré de latitude Nord au point d'intersection du 141^{me} degré de longitude Ouest, se trouverait à la distance de plus de dix lieues marines de l'Ocean, la limite entre les Possessions Britanniques et la lisière de Côte mentionnée ci-dessus comme devant appartenir à La Russie, sera formée par une ligne parallèle aux sinuosités de la Côte, et qui ne pourra jamais en être éloignée que de dix lieues marines.

V. Il est convenu en outre, que nul Etablissement ne sera formé par l'une des deux Parties dans les limites que les deux Articles précédens assignent aux Possessions de l'Autre. En conséquence, les Sujets Britanniques ne formeront aucun Etablissement, soit sur la côte, soit sur la lisière de terre ferme comprise dans les limites des Possessions Russes, telles qu'elles sont désignées dans les deux Articles précédens; et de même, nul Etablissement ne sera formé par des Sujets Russes au delà des dites limites.

VI. Il est entendu que les Sujets de Sa Majesté Britannique, de quelque Côte qu'ils arrivent, soit de l'Ocean, soit de l'intérieur du Continent, jouiront à perpétuité du droit de naviguer librement, et sans entrave quelconque, sur tous les fleuves et rivières, qui, dans leurs cours vers la mer Pacifique, traverseront la ligne de démarcation sur la lisière de la Côte indiquée dans l'Article 3. de la présente Convention.

VII. Il est aussi entendu que, pendant l'espace de dix Ans, à dater de la signature de cette Convention, les Vaisseaux des deux Puissances, ou ceux appartenans à leurs Sujets respectifs, pourront réciproquement fréquenter, sans entrave quelconque, toutes les Mers intérieures, les Golfes, Havres, et Criques sur la côte mentionnée dans l'Article 3, afin d'y faire la pêche et le commerce avec les Indigènes.

VIII. Le Port de Sitka, ou Novo Archangelsk, sera ouvert au Commerce et aux Vaisseaux des Sujets Britanniques durant l'espace de dix ans, à dater de l'échange des Ratifications de cette Convention. Au cas qu'une prolongation de ce terme de dix ans soit accordée à quelque autre Puissance, la même prolongation sera également accordée à La Grande Bretagne.

IX. La susdite liberté de commerce ne s'appliquera point au trafic des liqueurs spiritueuses, des armes-à-feu, des armes blanches, de la poudre à canon, ou d'autres munitions de guerre; les Hautes Parties Contractantes s'engageant réciproquement à ne laisser ni vendre, ni livrer, de quelque manière que ce puisse être, aux Indigènes du pays, les articles ci-dessus mentionnés.

X. Tout Vaisseau Britannique ou Russe naviguant sur l'Océan Pacifique, qui sera forcé par des tempêtes, ou par quelque accident, de se réfugier dans les Ports des Parties respectives, aura la liberté de s'y radouber, de s'y pourvoir de tous les objets qui lui seront nécessaires, et de se remettre en mer, sans payer d'autres Droits que ceux de Port et de Fanaux, lesquels seront pour lui les mêmes que pour les Bâtimens Nationaux. Si, cependant, le Patron d'un tel navire se trouvait dans la nécessité de se défaire d'une partie de ses marchandises pour subvenir à ses dépenses, il sera tenu de se conformer aux Ordonnances et aux Tarifs de l'Endroit où il aura abordé.

XI. Dans tous les cas de plaintes relatives à l'infraction des Articles de la présente Convention, les Autorités Civiles et Militaires des deux Hautes Parties Contractantes, sans se permettre au préalable ni voie de fait, ni mesure de force, seront tenues de faire un rapport exact de l'affaire et de ses circonstances à leurs Cours respectives, lesquelles s'engagent à la régler à l'amiable, et d'après les principes d'une parfaite justice.

XII. La présente Convention sera ratifiée, et les Ratifications en seront échangées à Londres, dans l'espace de six semaines, ou plutôt si faire se peut.

En Foi de quoi les Plénipotentiares respectifs l'ont signée, et y ont apposé le Cachet de leurs Armes.

Fait à St. Petersbourg, le $\frac{\text{Vingt huit}}{\text{Seize}}$ Février, de l'an de Grace mil-huit-cent-vingt-cinq.

[L. S.] STRATFORD CANNING.
[L. S.] LE COMTE DE NESSELRODE.
[L. S.] PIERRE DE POLETICA.

[Translation—Hertslet's Commercial and Slave Trade Treaties, Vol. III, p. 362.]

In the name of the Most Holy and Undivided Trinity.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of all the Russias, being desirous of drawing still closer the ties of good understanding and friendship which unite them, by means of an agreement which may settle, upon the basis of reciprocal convenience, different points connected with the commerce, navigation, and fisheries of their subjects on the Pacific Ocean, as well as the limits of their respective possessions on the North-west coast of America, have named Plenipotentiaries to conclude a convention for this purpose, that is to say: His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honorable Stratford Canning, a member of his said Majesty's Most Honorable Privy Council, etc., and His Majesty the Emperor of all the Russias, the Sieur Charles Robert Count de Nesselrode, His Imperial Majesty's Privy Councillor, a member of the Council of the Empire, Secretary of State for the department of Foreign Affairs, etc., and the Sieur Pierre de Poletica, His Imperial Majesty's Councillor of State, etc. Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and signed the following articles:

ART. I. It is agreed that the respective subjects of the high contracting Parties shall not be troubled or molested, in any part of the ocean, commonly called the Pacific Ocean, either in navigating the same, in

fishing therein, or in landing at such parts of the coast as shall not have been already occupied, in order to trade with the natives, under the restrictions and conditions specified in the following articles.

II. In order to prevent the right of navigating and fishing, exercised upon the ocean by the subjects of the high cantracting Parties, from becoming the pretext for an illicit commerce, it is agreed that the subjects of His Britannic Majesty shall not land at any place where there may be a Russian establishment, without the permission of the Governor or Commandant; and, on the other hand, that Russian subjects shall not land, without permission, at any British establishment, of the Northwest coast.

III. The line of demarcation between the possessions of the high contracting Parties, upon the coast of the continent, and the islands of America to the North-west, shall be drawn in the manner following:

Commencing from the southernmost point of the island called *Prince of Wales* Island, which point lies in the parallel of 54 degrees 40 minutes, north latitude, and between the 131st and the 133d degree of west longitude (Meridian of Greenwich), the said line shall ascend to the north along the channel called *Portland Channel*, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last-mentioned point, the line of demarcation shall follow the summit of the mountains situated parallel to the coast, as far as the point of intersection of the 141st degree of west longitude (of the same meridian); and, finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen Ocean, shall form the limit between the Russian and British Possessions on the continent of America to the North-west.

IV. With reference to the line of demarcation laid down in the preceding article it is understood:

First. That the island called *Prince of Wales* Island shall belong wholly to Russia.

Second. That whenever the summit of the mountains which extend in a direction parallel to the coast, from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude, shall prove to be at the distance of more than 10 marine leagues from the ocean, the limit between the British Possessions and the line of coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the windings of the coast, and which shall never exceed the distance of 10 marine leagues therefrom.

V. It is moreover agreed, that no establishment shall be formed by either of the two parties within the limits assigned by the two preceding articles to the possessions of the other; consequently, British subjects shall not form any establishment either upon the coast, or upon the border of the continent comprised within the limits of the Russian Possessions, as designated in the two preceding articles; and, in like manner, no establishment shall be formed by Russian subjects beyond the said limits.

VI. It is understood that the subjects of His Britannic Majesty, from whatever quarter they may arrive, whether from the ocean, or from the interior of the continent, shall for ever enjoy the right of navigating freely, and without any hindrance whatever, all the rivers and streams

which, in their course towards the Pacific Ocean, may cross the line of demarcation upon the line of coast described in article three of the present convention.

VII. It is also understood, that, for the space of 10 years from the signature of the present convention, the vessels of the two Powers, or those belonging to their respective subjects, shall mutually be at liberty to frequent, without any hindrance whatever, all the inland seas, the gulfs, havens, and creeks on the coast mentioned in article three for the purposes of fishing and of trading with the natives.

VIII. The port of Sitka, or Novo Archangelsk, shall be open to the commerce and vessels of British subjects for the space of 10 years from the date of the exchange of the ratifications of the present convention. In the event of an extension of this term of 10 years being granted to any other Power, the like extension shall be granted also to Great Britain.

IX. The above-mentioned liberty of commerce shall not apply to the trade in spirituous liquors, in fire-arms, or other arms, gunpowder or other warlike stores; the high contracting Parties reciprocally engaging not to permit the above-mentioned articles to be sold or delivered, in any manner whatever, to the natives of the country.

X. Every British or Russian vessel navigating the Pacific Ocean, which may be compelled by storms or by accident, to take shelter in the ports of the respective Parties, shall be at liberty to refit therein, to provide itself with all necessary stores, and to put to sea again, without paying any other port and light-house dues, which shall be the same as those paid by national vessels. In case, however, the master of such vessel should be under the necessity of disposing of a part of his merchandise in order to defray his expenses, he shall conform himself to the regulations and tariffs of the place where he may have landed.

XI. In every case of complaint on account of an infraction of the articles of the present convention, the civil and military authorities of the high contracting Parties, without previously acting or taking any forcible measure, shall make an exact and circumstantial report of the matter to their respective courts, who engage to settle the same, in a friendly manner, and according to the principles of justice.

XII. The present convention shall be ratified, and the ratification shall be exchanged at London, within the space of six weeks, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at St. Petersburg, the $\frac{28}{16}$th day of February, in the year of our Lord, 1825.

[L. S.] STRATFORD CANNING. [L. S.] THE COUNT DE NESSELRODE.
[L. S.] PIERRE DE POLETICA.

EXTRACTS FROM TREATY OF COMMERCE AND NAVIGATION OF 1843, BETWEEN GREAT BRITAIN AND RUSSIA.

[For full text, see Hertslet's Commercial and Slave Trade Treaties, Vol. VI, p. 762.]

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XII. It is understood that, in regard to commerce and navigation in the Russian possessions on the north-west coast of America, the Convention concluded at St. Petersburg, on the 16 28 February, 1825, continues in force.

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XV. The present Treaty shall remain in force during the space of 10 years dating from the exchange of the ratifications thereof; and further, until the expiration of 12 months after either of the High Contracting Parties shall have given notice to the other of its intention to put an end thereto; each of the High Contracting Parties reserving to itself the right of giving such notice to the other at the expiration of the first 9 years: and it is agreed between them, that at the expiration of 12 months after such notice shall have been received by either of the High Contracting Parties from the other, the present Treaty, and all the stipulations contained therein, shall cease to be binding on the 2 Parties.

EXTRACTS FROM TREATY OF COMMERCE AND NAVIGATION OF 1859, BETWEEN GREAT BRITAIN AND RUSSIA.

[For full text, see Hertslet's Commercial and Slave Trade Treaties, Vol. X, p. 1057.]

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XIX. * * * * * * *

In regard to commerce and navigation in the Russian Possessions on the North-West Coast of America, the Convention concluded at St. Petersburg on the 16th (28th) of February, 1825, shall continue in force.

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XXII. The present Treaty of Commerce and Navigation shall remain in force for 10 years from the date of the exchange of the ratifications; and further, until the expiration of 12 months after either of the High Contracting Parties shall have given notice to the other of its intention to terminate the same; each of the High Contracting Parties reserving to itself the right of giving such notice to the other at the expiration of the first 9 years, or at any time afterwards.

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TREATY CONCERNING THE CESSION OF THE RUSSIAN POSSESSIONS IN NORTH AMERICA BY HIS MAJESTY THE EMPEROR OF ALL THE RUSSIAS TO THE UNITED STATES OF AMERICA.

[Concluded March 30, 1867. Ratified by the United States May 28, 1867. Exchanged June 20, 1867. Proclaimed by the United States June 20, 1867.]

Sa Majesté l'Empereur de toutes les Russies et les Etats-Unis d'Amérique, désirant raffermir, s'il est possible, la bonne intelligence qui existe entre eux, ont nommé, à cet effet, pour leurs Plénipotentaires,

savoir: Sa Majesté l'Empereur de toutes les Russies, le Conseiller Privé Edouard de Stoeckl, son Envoyé Extraordinaire et Ministre Plénipotentiaire aux Etats-Unis; et.

Le Président des Etats-Unis, le Sieur William H. Seward, Secrétaire d'Etat;

Lesquels, après avoir échangé leurs pleins-pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les articles suivans:

Article I.

Sa Majesté l'Empereur de toutes les Russies s'engage, par cette convention, à céder aux Etats-Unis, immédiatement après l'échange des ratifications, tout le territoire avec droit de Souveraineté actuellement possédé par Sa Majesté sur le continent d'Amérique ainsi que les îles contigües, le dit territoire étant compris dans les limites géographiques ci-dessous indiquées, savoir: la limite orientale est la ligne de démarcation entre les possessions Russes et Britanniques dans l'Amérique du Nord, ainsi qu'elle est établie par la Convention conclue entre la Russie et la Grande-Bretagne, le $\frac{16}{28}$ Février 1825, et définie dans les termes suivans des articles III et IV de la dite convention:

A partir du point le plus méridional de l'île dite Prince of Wales, lequel point se trouve sous la parallèle du 54me degré 40 minutes de latitude nord, et entre le 131me et le 133me degré de longitude ouest (méridien de Greenwich), la dite ligna remontera, au Nord le long de la passe dite Portland Channel, jusqu'au point de la terre ferme, où elle atteint le 56me degré de latitude nord; de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la côte jusqu'au point d'intersection du 141me degré de longitude ouest (même méridien); et finalement du dit point d'intersection, la même ligne méridienne du 141me degré formera, dans son prolongement jusqu'à la mer Glaciale, la limite entre les possessions Russes et Britanniques sur le continent de l'Amérique Nord-Ouest.

IV. Il est entendu, par rapport à la ligne de démarcation déterminée dans l'article précedent:

1°. Que l'île dite Prince of Wales, appartiendra toute entière à la Russie: (mais dès ce jour en vertu de cette cession aux Etats-Unis.)

2°. Que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la côte, depuis le 56me degré de latitude nord au point d'intersection du 441me degré de longitude ouest se trouverait à la distance de plus de dix lieues marines de l'Océan, la limite entre les possessions Britanniques et la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie (c'est-à-dire la limite des possessions cédées par cette Convention) sera formée par une ligne parallèle aux sinuosités de la côte et qui ne pourra jamais en être éloignée que de dix lieues marines.

La limite Occidentale des territoires cédés passe par un point au détroit de Behring sous la parallèle du soixante-cinquième degré trente minutes de latitude Nord à son intersection par le méridien qui sépare à distance égale les îles Krusenstern ou Ignalook et l'île Ratmanow ou Noonarbook et remonte en ligne directe, sans limitation, vers le Nord jusqu'à ce qu'elle se perde dans la mer Glaciale. Commençant au même point de départ, cette limite Occidentale suit de là un cours presque Sud-Ouest, à travers le détroit de Behring et la mer de Behring, de manière à passer à distance égale entre le point Nord-Ouest de l'île Saint Laurent et le point Sudest du cap Choukotski jusqu'au méridien cent-soixante-douzième de longitude Ouest; de ce point à partir de l'intersection de ce méridien, cette limite suit une direction Sud-Ouest de manière à passer à distance égale entre l'île d'Attou et l'île Copper du groupe d'îlots Komandorski dans l'Océan Pacifique Septentrional jusqu'au méridien de cent quatre-vingt-treize degrés de longitude Ouest, de manière à enclaver dans le territoire cédé, toutes les îles Aléoutes situées à l'est de ce méridien.

ARTICLE II.

Dans le territoire cédé par l'article précédent à la Souveraineté des États Unis, sont compris le droit de propriété sur tous les terrains et places publics, terres inoccupées, toutes les constructions publiques, fortifications, casernes et autres édifices qui ne sont pas propriété privée individuelle. Il est toutefois entendu et convenu que les églises construites par le Gouvernement Russe sur le territoire cédé, resteront la propriété des membres de l'Eglise Grecque Orientale résidant dans ce Territoire et appartenant à ce culte. Tous les archives, papiers, et documens du Gouvernement ayant trait au susdit territoire, et qui y sont maintenant déposés, seront placés entre les mains de l'agen, des Etats-Unis; Mais les Etats-Unis fourniront, toujours quand il y aura lieu, des copies légalisées de ces documens au Gouvernement Russe, aux officiers ou sujets Russes qui pourront en faire la demande.

ARTICLE III.

Il est réservé aux habitans du territoire cédé le choix de garder leur nationalité et de rentrer en Russie dans l'espace de trois ans; mais s'ils préfèrent rester dans le territoire cédé, ils seront admis, à l'exception toutefois des tribus sauvages, à jouir de tous les droits, advantages et immunités des citoyens des Etats-Unis, et ils seront maintenus et protégés dans le plein exercice de leur liberté, droit de propriété et religion. Les tribus sauvages seront assujéties aux lois et réglements que les Etats-Unis pourront adopter, de tems en tems à l'égard des tribus aborigènes de ce pays.

ARTICLE IV.

Sa Majesté l'Empereur de toutes les Russies nommera, aussitôt que possible, un agent ou des agens chargés de remettre, formellement à l'agent ou aux agens nommés par les Etats-Unis, le territoire, la Souveraineté, les propriétés, dépendances et appartenances ainsi cédés et de dresser tout autre acte qui sera nécessaire à l'accomplissement de cette transaction. Mais la cession, avec le droit de possession immédiate, doit toutefois être considérée complète et absolue à l'échange des ratifications, sans attendre la remise formelle.

ARTICLE V.

Immédiatement après l'échange des ratifications de cette Convention, les fortifications et les postes militaires qui se trouveront sur le territoire cédé seront remis à l'agent des Etats-Unis et les troupes Russes qui sont stationnées dans le dit territoire seront retirées dans un terme praticable et qui puisse convenir aux deux parties.

ARTICLE VI.

En considération de la susdite cession, les Etats-Unis s'engagent à payer à la Trésorerie à Washington, dans le terme de dix mois, après l'échange des ratifications de cette Convention, sept millions deux cent mille dollars en or, au Représentant diplomatique ou tout autre agent de Sa Majesté l'Empereur de toutes les Russies dûment autorisé à recevoir cette somme. La cession du Territoire avec droit de Souveraineté,

faite par cette Convention, est déclarée libre et dégagée de toutes réservations, privilèges, franchises ou possessions par des compagnies Russes ou toute autre; légalement constituées ou autrement, ou par des associations, sauf simplement les propriétaires possédant des biens privés individuels, et la cession ainsi faite transfère tous les droits, franchises et privilèges appartenant actuellement à la Russie dans le dit territoire et ses dépendances.

ARTICLE VII.

Lorsque cette Convention aura été dûment ratifiée par Sa Majesté l'Empereur de toutes les Russies d'une part, et par le Président des Etats-Unis, avec l'avis et le consentement du Sénat de l'autre, les ratifications en seront échangées à Washington dans le terme de trois mois, à compter du jour de la signature ou plus tôt si faire se peut.

En foi de quoi les plénipotentiaires respectifs ont signé cette Convention et y ont apposé le sceau de leur armes.

Fait à Washington le 18–30 jour de Mars de l'an de Notre Seigneur mil-huit-cent soixante-sept.

[L. S.] EDOUARD DE STOECKL.
[L. S.] WILLIAM H. SEWARD.

[Translation.]

The United States of America and His Majesty the Emperor of all the Russias, being desirous of strengthening, if possible, the good understanding which exists between them, have, for that purpose, appointed as their plenipotentiaries: the President of the United States, William H. Seward, Secretary of State; and His Majesty the Emperor of all the Russias, the Privy Counsellor, Edward de Stoeckl, his Envoy Extraordinary and Minister Plenipotentiary to the United States.

And the said plenipotentiaries having exchanged their full powers, which were found to be in due form, have agreed upon and signed the following articles:

ARTICLE I.

His Majesty the Emperor of all the Russias agrees to cede to the United States, by this convention, immediately upon the exchange of the ratifications thereof, all the territory and dominion now possessed by his said Majesty on the continent of America and in the adjacent islands, the same being contained within the geographical limits herein set forth, to wit: The eastern limit is the line of demarcation between the Russian and the British possessions in North America, as established by the convention between Russia and Great Britain, in February 28–16, 1825, and described in Articles III and IV of said convention, in the following terms:

Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes north latitude, and between the 131st and the 133d degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland channel, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last-mentioned point, the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude (of the same meridian); and finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen ocean.

IV. With reference to the line of demarcation laid down in the preceding article, it is understood—

1st. That the island called Prince of Wales Island shall belong wholly to Russia (now, by this cession, to the United States).

2d. That whenever the summit of the mountains which extend in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia as above mentioned (that is to say, the limit to the possessions ceded by this convention) shall be formed by a line parallel to the winding of the coast, and which shall never exceed the distance of ten marine leagues therefrom.

The western limit within which the territories and dominion conveyed, are contained, passes through a point in Behring's Straits on the parallel of sixty-five degrees thirty minutes north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern, or Ignalook, and the island of Ratmanoff, or Noonarbook, and proceeds due north, without limitation, into the same Frozen Ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly southwest, through Behring's Straits and Behring's Sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski, to the meridian of one hundred and seventy-two west longitude; thence, from the intersection of that meridian, in a southwesterly direction, so as to pass midway between the island of Attou and the Copper Island of the Komandorski couplet or group in the North Pacific Ocean, to the meridian of one hundred and ninety-three degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian Islands east of that meridian.

Article II.

In the cession of territory and dominion made by the preceding article are included the right of property in all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private individual property. It is, however, understood and agreed, that the churches which have been built in the ceded territory by the Russian Government, shall remain the property of such members of the Greek Oriental Church resident in the territory, as may choose to worship therein. Any government archives, papers, and documents relative to the territory and dominion aforesaid, which may be now existing there, will be left in the possession of the agent of the United States; but an authenticated copy of such of them as may be required, will be, at all times, given by the United States to the Russian Government, or to such Russian officers or subjects as they may apply for.

Article III.

The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property and religion. The uncivilized

tribes will be subject to such laws and regulations as the United States may, from time to time, adopt in regard to aboriginal tribes of that country.

ARTICLE IV.

His Majesty the Emperor of all the Russias shall appoint, with convenient despatch, an agent or agents for the purpose of formally delivering to a similar agent or agents appointed on behalf of the United States, the territory, dominion, property, dependencies, and appurtenances which are ceded as above, and for doing any other act which may be necessary in regard thereto. But the cession, with the right of immediate possession, is nevertheless to be deemed complete and absolute on the exchange of ratifications, without waiting for such formal delivery.

ARTICLE V.

Immediately after the exchange of the ratifications of this convention, any fortifications or military posts which may be in the ceded territory shall be delivered to the agent of the United States, and any Russian troops which may be in the territory shall be withdrawn as soon as may be reasonably and conveniently practicable.

ARTICLE VI.

In consideration of the cession aforesaid, the United States agree to pay at the Treasury in Washington, within ten months after the exchange of the ratifications of this convention, to the diplomatic representative or other agent of his Majesty the Emperor of all the Russias, duly authorized to receive the same, seven million two hundred thousand dollars in gold. The cession of territory and dominion herein made is hereby declared to be free and unincumbered by any reservations, privileges, franchises, grants, or possessions, by any associated companies, whether corporate or incorporate, Russian or any other, or by any parties, except merely private individual property holders; and the cession hereby made, conveys all the rights, franchises, and privileges now belonging to Russia in the said territory or dominion, and appurtenances thereto.

ARTICLE VII.

When this convention shall have been duly ratified by the President of the United States, by and with the advice and consent of the Senate, on the one part, and on the other by his Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington within three months from the date hereof, or sooner, if possible.

In faith whereof, the respective plenipotentiaries have signed this convention, and thereto affixed the seals of their arms.

Done at Washington, the thirtieth day of March, in the year of our Lord one thousand eight hundred and sixty-seven.

[L. S.] WILLIAM H. SEWARD.
[L. S.] EDOUARD DE STOECKL.

IMPERIAL RUSSIAN UKASES.

UKASE OF JULY 8, 1799, GRANTING PRIVILEGES TO THE RUSSIAN AMERICAN COMPANY.

FIRST CHARTER OF THE RUSSIAN AMERICAN COMPANY.[a]

On the original is written in His Imperial Majesty's own hand: "Be it thus."—Peterhoff, July 8, 1799.

"By the grace of a merciful God, we, Paul the First, Emperor and Autocrat of all the Russias, etc. To the Russian American Company under our highest protection. The benefits and advantages resulting to our empire from the hunting and trading carried on by our loyal subjects in the northeastern seas and along the coasts of America have attracted our imperial attention and consideration; therefore, having taken under our immediate protection a Company organized for the above-named purpose of carrying on hunting and trading, we allow it to assume the appellation of 'Russian American Company, operating under our Highest Protection;' and for the purpose of aiding the Company in its enterprises, we allow the commanders of our land and sea forces to employ said forces in the Company's aid if occasion requires it, while for further relief and assistance of said Company, and having examined their rules and regulations, we hereby declare it to be our highest Imperial will to grant to this Company for a period of 20 years the following rights and privileges:

I. By the right of discovery in past times by Russian navigators of the northeastern[b] part of America, beginning from the fifty-fifth degree of north latitude and of the chain of islands extending from Kamchatka to the north to America, and southward to Japan, and by right of possession of the same by Russia, we most graciously permit the Company to have the use of all hunting-grounds and establishments now existing on the northeastern[b] coast of America, from the above-mentioned fifty-fifth degree to Bering Strait, and also on the Aleutian, Kurile, and other islands situated in the Northeastern Ocean.

II. To make new discoveries not only north of the fifty-fifth degree of north latitude, but farther to the south, and to occupy the new lands discovered, as Russian possessions, according to prescribed rules, if they have not been previously occupied by, or been dependent on, any other nation.

III. To use and profit by everything which has been or shall be discovered in those localities, on the surface and in the interior of the earth, without competition from others.

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[a] For Russian text, see "Historical Review of the Development of the Russian American Company and of its Operations up to the present time," Tikhmenief, St. Petersburg, 1861, vol. I, app., p. 19, and Golovnin, in Materialui, I, pp. 77–80.

[b] *Sic.*

IV. We most graciously permit this Company to establish settlements in future times, wherever they are wanted, according to its best knowledge and belief, and fortify them to insure the safety of the inhabitants, and to send ships to those shores with goods and hunters, without any obstacles on the part of the Government.

V. To extend their navigation to all adjoining nations and hold business intercourse with all surrounding powers, upon obtaining their free consent for the purpose, and under our highest protection to enable them to prosecute their enterprises with greater force and advantage.

VI. To employ for navigation, hunting, and all other business, free and unsuspected people, having no illegal views or intentions. In consideration of the distance of the localities where they will be sent, the provincial authorities will grant to all persons sent out as settlers, hunters, and in other capacities, passports for seven years. Serfs and house-servants will only be employed by the Company with the consent of their landholders, and Government taxes will be paid for all serfs thus employed.

VII. Though it is forbidden by our highest order to cut Government timber anywhere without the permission of the admiralty college, this Company is hereby permitted, on account of the distance of the admiralty from Okhotsk, when it needs timber for repairs, and occasionally for the construction of new ships, to use freely such timber as is required.

VIII. For shooting animals, for marine signals, and in all unexpected emergencies on the mainland of America, and on the islands, the Company is permitted to buy for cash, at cost price, from the Government artillery magazine at Irkutsk, yearly, 40 or 50 pouds of powder and from the Nertchinsk mine 200 pouds of lead.

IX. If one of the partners of the Company becomes indebted to the Government or to private persons and is not in a condition to pay them from any other property except what he holds in the Company, such property can not be seized for the satisfaction of such debts, but the debtor shall not be permitted to use anything but the interest or dividends of such property until the term of the Company's privileges expires, when it will be at his or his creditor's disposal.

X. The exclusive right is most graciously granted to the Company for a period of twenty years, to use and enjoy, in the above-described extent of country and islands, all profits and advantages derived from hunting, trade, industries, and discovery of new lands, prohibiting the enjoyment of these profits and advantages not only to those who would wish to sail to those countries on their own account, but to all former hunters and trappers who have been engaged in this trade and have their vessels and furs at those places; and other companies which may have been formed will not be allowed to continue their business unless they unite with the present Company with their free consent; but such private companies or traders as have their vessels in those regions can either sell their property, or, with the Company's consent, remain until they have obtained a cargo, but no longer than is required for the loading and return of their vessel; and after that nobody will have any privileges but this one Company, which will be protected in the enjoyment of all the rights mentioned.

XI. Under our highest protection the Russian American Company will have full control over all above-mentioned localities, and exercise judicial powers in minor cases. The Company will also be permitted

to use all local facilities for fortifications in the defense of the country under their control against foreign attacks. Only partners of the Company shall be employed in the administration of the new possessions in charge of the Company.

UKASE OF SEPTEMBER 4, 1821.[a]

EDICT OF HIS IMPERIAL MAJESTY, AUTOCRAT OF ALL THE RUSSIAS.

The directing Senate maketh known unto all men:

Whereas in an Edict of His Imperial Majesty issued to the directing Senate on the 4th day of September, and signed by His Majesty's own hand, it is thus expressed:

Observing, from Reports submitted to us, that the trade of our subjects on the Aleutian Islands and on the north-west coast of America, appertaining unto Russia, is subject, because of secret and illicit traffic, to oppression and impediments; and finding that the principal cause of these difficulties is the want of rules establishing the boundaries for navigation along these coasts, and the order of naval communication, as well in these places as on the whole of the eastern coast of Siberia and the Kurile Islands, we have deemed it necessary to determine these communications by specific Regulations, which are hereto attached.

In forwarding these Regulations to the directing Senate, we command that the same be published for universal information, and that the proper measures be taken to carry them into execution.

(Signed) Count D. GURIEFF,
Minister of Finances.

It is therefore decreed by the directing Senate that His Imperial Majesty's Edict be published for the information of all men, and that the same be obeyed by all whom it may concern.

[The original is signed by the directing Senate.]

Printed at St. Petersburgh. In the Senate, the 7th September, 1821.

[On the original is written, in the handwriting of His Imperial Majesty, thus:]

Be it accordingly.

(Signed) ALEXANDER.

KAMENNOY OSTROFF, *September 4, 1821.*

RULES ESTABLISHED FOR THE LIMITS OF NAVIGATION AND ORDER OF COMMUNICATION ALONG THE COAST OF THE EASTERN SIBERIA, THE NORTH-WEST COAST OF AMERICA, AND THE ALEUTIAN, KURILE, AND OTHER ISLANDS.

§ 1. The pursuits of commerce, whaling, and fishery, and of all other industry on all islands, posts, and gulfs, including the whole of the north-west coast of America, beginning from Behring Straits to the 51° of northern latitude, also from the Aleutian Islands to the eastern coast of Siberia, as well as along the Kurile Islands from Behring Straits to the south cape of the Island of Urup, viz., to the 45° 50′ north latitude, is exclusively granted to Russian subjects.

§ 2. It is therefore prohibited to all foreign vessels not only to land on the coasts and islands belonging to Russia as stated above, but also, to approach them within less than 100 Italian miles. The transgressor's vessel is subject to confiscation along with the whole cargo.

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[a] For Russian text see Tikhmenief, vol. I, app., p. 27.

§ 3. An exception to this rule is to be made in favour of vessels carried thither by heavy gales, or real want of provisions, and unable to make any other shore but such as belongs to Russia; in these cases they are obliged to produce convincing proofs of actual reason for such an exception. Ships of friendly Governments, merely on discoveries, are likewise exempt from the foregoing Rule 2. In this case, however, they must be previously provided with passports from the Russian Minister of the Navy.

§ 4. Foreign merchant-ships which, for reasons stated in the foregoing rule, touch at any of the above-mentioned coasts, are obliged to endeavour to choose a place where Russians are settled, and to act as hereafter stated.

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§ 12. It is prohibited to these foreign ships to receive on board, without special permission of the Commanders, any of the people in the service of the Company, or of the foreigners living in the Company's Settlements. Ships proved to have the intention of carrying off any person belonging to the Colony shall be seized.

§ 13. Every purchase, sale, or barter is prohibited betwixt a foreign merchant-ship and people in the service of the Company. This prohibition extends equally to those who are on shore and to those employed in the Company's ships. Any ship acting against this rule shall pay five times the value of the articles, stores, or goods constituting this prohibited traffic.

§ 14. It is likewise interdicted to foreign ships to carry on any traffic or barter with the natives of the islands, and of the north-west coast of America, in the whole extent here above mentioned. A ship convicted of this trade shall be confiscated.

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COUNT D. GURIEF,
Minister of Finance.

UKASE OF SEPTEMBER 13, 1821, RENEWING PRIVILEGES OF THE RUSSIAN-AMERICAN COMPANY.

SECOND CHARTER OF THE RUSSIAN AMERICAN COMPANY.[a]

By His Imperial Majesty's Ukase, bearing his signature, and communicated to the Ruling Senate on the 13th day of September, of the year 1821, it is decreed:

"The Russian-American Company, under our protection, availing itself of the privileges conferred upon it by Imperial Decree in the year 1799, has completely fulfilled what we expected of it, by its success in navigation, by what it has done to develop the trade of the Empire, to the benefit of all, and by securing considerable profits to those who are directly interested in it. In consideration whereof, being desirous of prolonging its existence and establishing it yet more firmly, we hereby renew the privileges granted to it, with the necessary additions and modifications, for a period of twenty years from

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[a] For Russian text, see Tikhmenief, Vol. I, app., p. 41.

this date, and having sanctioned the new Regulations drawn up for it, hand this over to the Ruling Senate, commanding them to prepare the necessary document setting forth these privileges, to lay it before us for our signature, and to take the proper further steps in the matter."

PRIVILEGES GRANTED TO THE RUSSIAN-AMERICAN COMPANY FOR TWENTY YEARS FROM THIS DATE.

I. The Company founded for the exercise of industries on the mainland of Northwestern America, and on the Aleutian and Kurile Islands, shall be, as heretofore, under the protection of His Imperial Majesty.

II. It shall have the privilege of carrying on, to the exclusion of all other Russians, and of the subjects of foreign States, all industries connected with the capture of wild animals and all fishing industries, on the shores of North-western America which have from time immemorial belonged to Russia, commencing from the northern point of the Island of Vancouver, under 51° north latitude, to Behring Straits and beyond them, and on all the islands which belong to that coast, as well as on the others situated between it and the eastern shore of Siberia, and also on those of the Kurile Islands where the Company has carried on industries, as far as the southern extremity of the Island of Urup under 45° 50′.

III. It shall have the exclusive enjoyment of everything in that region which it has hitherto discovered, or which it may in future discover, either on the surface of the earth or in the earth.

IV. The Company may make discoveries within the limits defined above, and it is authorized to annex such newly-discovered places to the Russian dominions, provided they have not been occupied by any other European nation, or by citizens of the United States, and have not become dependencies of such foreign nation; but the Company may not found permanent settlements in such places unless authorized to do so by the Emperor.

V. Within the limits defined in section 2, the Company is authorized to found new settlements, and to construct works of defence at any point, should such be necessary, at its own discretion, and to enlarge and improve existing settlements or works of defence; it is permitted to send ships with men and merchandize to those places without hindrance.

VI. In order to insure to the Company the enjoyment of the exclusive rights granted to it, and to prevent for the future any interference or damage to it arising from the action of Russian subjects or of foreigners, Regulations are now drawn up regarding the manner in which those persons are to be dealt with who, either voluntary or under stress of circumstances, come to the places defined in section 2 of these privileges, in spite of the fact that they are prohibited from coming to them. These Regulations must be strictly observed both by the Company and by those authorities whom they may concern.

VII. The Company is authorized to communicate by sea with all neighbouring nations, and to trade with them, with the consent of their Governments, except in the case of the Chinese Empire, the shores of which the Company's ships are never to approach.

In regard to other nations, the Company's ships shall not have trade or other relations with them against the wish of their Governments.

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REGULATIONS ATTACHED TO THE UKASE OF SEPTEMBER 13, 1821.

[Extract from enclosure in Mr. Wilkins' No. 16 of December 11, 1835.][a]

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III. In regard to those nations inhabiting the coasts of America, where the Company has established their Colony.

SECTION 57. The company, whose principal object is the catching of Sea-animals and wild beasts, shall not extend their searches to this effect to the interior of those Countries, on which coasts they practice the above catchings, and shall by no means meddle with oppression of the inhabitants, living along those coasts; and in case the Company should think it for their interest, to establish factories in some places of the American Continent in order to secure their commerce, they may do so after having acquired the consent of the Natives and shall do everthing in their power to maintain their arrangements and avoid everything that might create the suspicion or thought as if they intended to deprive them of their independence.

SECTION 58. The Company is prohibited to demand gifts, dues, tribute or any such sacrifice from these people, equally during the time of peace, not to take any of the inhabitants by force out of their stock, if, agreeably to the existing custom, some will be delivered by their *Amanates*. These inhabitants delivered to the Colony, shall be properly treated and maintained, and the directors shall take particular care that they be not offended.

SECTION 59. In case it happens, that some of the Natives of the American Coast should wish to put up in the Russian Colonies, the Company shall grant their request, if no danger is likely to arise from it to the Colonies. The new settlers shall be enregistered in the number Islanders and shall enjoy the same rights and privileges as those.

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UKASE OF MARCH 29, 1829, CONFIRMING CHARTER OF 1821.

IMPERIAL CHARTER GRANTED TO THE RUSSIAN AMERICAN COMPANY.—CONFIRMATION OF ITS RIGHTS AND PRIVILEGES.

By the helping grace of God, we, Nicholas the First, Emperor and Autocrat of all the Russias, etc., etc., etc.

As we regard as an object of our particular care the development in our Empire of every kind of industry and commerce, we have turned our Imperial attention to the Russian American Company. Since its very foundation it has been favored with the protection of our most august late father and brother, and during the twenty-eight years of its existence it has steadily pursued its object, has coöperated in the progress of navigation, has opened to our subjects new and rich sources of commerce and industry, and has brought to its shareholders considerable profits.

Wishing to show our august benevolence towards this institution of common profit and to give it a firm and stable basis, we take the Russian American Company under our immediate protection, and confirming by the force of this, our imperial charter, the rules, rights, and privileges granted to the Company by the supreme ukase of September 13, 1821, we order:

I. That the Company which was founded for industry on the mainland of North America, on the Aleutian Islands, and on the Kurile Islands and in all parts of the Northeastern Sea shall, under our supreme patronage, be called, as before the Russian American Company.

II. The limits of navigation and industry of the Company are determined by the treaties concluded with the United States of America April 5, (17) 1824, and with England February 16, (28) 1825.

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[a] For Mr. Wilkin's No. 16, see *post*, page 246.

III. In all the places allotted to Russia by these treaties there shall be reserved to the Company the right to profit by all the fur and fish industries, to the exclusion of all other Russian subjects.

IV. The part that neighboring nations may take in these industries, as well as the nature of the coast relations with the Russian American Company, shall remain on the basis of these same treaties until new rules shall be published on this subject.

V. All the advantages and rights conceded to Russia by these treaties are granted to the Company, on which is also imposed the strict fulfillment of all the mutual obligations of Russia stipulated in these treaties.

VI. The internal administration of the affairs of the Company, its relations to the Government, the personnel and the duties of the supreme council of the chief administration of the directors of the Colonies, of the local agencies, and of the shareholders shall remain on the basis of the rules of September 13, 1821.

VII. All the articles of these rules and of the privileges published together with them, which are not limited by the aforesaid treaties, and which are not contrary to the ukase of October 14, 1827, concerning entrance into service, shall remain in full force and vigor in their full extent and for the whole time for which they were granted to the Russian American Company by our most august brother, the late Emperor Alexander the First.

In conclusion of this our Imperial charter, we order all our military and civil authorities and all our Government officers not only not to prevent the Russian American Company from availing itself of these rules and privileges granted to it by us, but in case of need to forewarn it of any damage or harm which may come to it, and to render all legal assistance and protection to its board of administration.

For the greater force of this charter which we have granted, we have signed it with our own hand and have ordered it to be strengthened by the affixing of our seal of the Empire.

Published by the Senate, March 29 (April 10), 1829.

UKASE OF OCTOBER 10, 1844, RENEWING PRIVILEGES OF THE RUSSIAN-AMERICAN COMPANY.

THIRD CHARTER OF THE RUSSIAN AMERICAN COMPANY.[a]

On the original is written in His Imperial Majesty's own hand:
"Be it thus."
Gatchina, October 10, 1844.

RIGHTS AND PRIVILEGES OF THE COMPANY.

I. The Russian American Company, established for trading on the continent of Northwestern America and on the Aleutian and Kuriles Islands as in every part of the Northeastern Sea, stands under the Highest protection of His Imperial Majesty.

II. The limits of the navigation and trade of the Company on the shore of the continent and on the islands of Northwestern America, are

[a] Related back to the year 1842. For Russian text see Tikhmenief, vol. II, first appendix, p. 11.

within the following line of demarcation between Russia, England, and America: Commencing with the southernmost point of the Island of Prince of Wales, which point is situated at 54° 40′ north latitude and between 131° and 133° west longitude (reckoning from the meridian of Greenwich), the above line runs northward along the straits named Portland Channel to that point of the mainland where it touches the 56th degree of north latitude. Hence the line of demarcation follows the crest of the mountains which stretch in a direction parallel with the coast to the crossing at the 141st degree of west longitude (from the same meridian), and finally, from this point of intersection, the same meridian of the 141st degree constitutes in its extension to the Arctic Sea the boundary of the Russian Possessions on the continent of Northwestern America.

III. In all places annexed to Russia by the above-mentioned delimitation there is granted to the Company the right to carry on the fur and fishing industries to the exclusion of all Russian subjects.

IV. The Company is permitted to hold and use all things heretofore found and hereafter to be found in those places, as well on the surface as in the bowels of the earth, without regard for any claim thereto on the part of others.

V. The Company is allowed in future according to necessity and its best judgment within the limits designated in Sec. 2, wherever it may be found necessary to establish new settlements and fortifications for safe habitation; and those formerly established may be extended and improved, the Company being allowed to send to those regions vessels carrying merchandise and laborers without any let or hindrance.

* * * * * * *

XXII. The rights and privileges granted to the Company shall be in force for twenty years, reckoning from the 1st of January of the year 1842.

XXIII. Upon the taking effect of this charter all previous provisions relating to the Company are repealed, and will preserve their force only as to matters arising before the promulgation of the constitution.

DIPLOMATIC CORRESPONDENCE RELATING TO THE TREATY OF 1824 BETWEEN THE UNITED STATES AND RUSSIA.

Mr. Middleton to Mr. Adams.

No. 9.] ST. PETERSBURG, *21 Sept.* (*3d Oct.*), *1821.*

SIR: * * * In the same paper (the "Conservateur") is a notice of the principal dispositions of an ukase, under date of the 4th September, prohibiting all foreign vessels from trading with the Russian possessions on the NW. coast of America, some of which dispositions indeed appear to affect the interests of all maritime nations, but others more particularly trench upon the territorial pretensions of Great Britain. I shall endeavor to ascertain whether this latter power remonstrates, which is scarcely doubtful.

I enclose a copy of the latest Russian map of the NW. regions,[a] to which I have added a notice of the places where there are actual settlements upon the coast, according to the best information I have been able to obtain. It is understood that the Russ-American Northwest Company have lately had a renewal of their charter for 20 years, with additional privileges. I am now occupied in preparing a translation of the different ukases under which they hold their privileges, which shall be forwarded as soon as completed.

I have, etc.,

HENRY MIDDLETON.

Mr. Poletica to Mr. Adams.

[Translation.]

WASHINGTON, *January 30* [*February 11*], *1822.*

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the Emperor of all the Russians, in consequence of orders which have lately reached him, hastens herewith to transmit to Mr. Adams, Secretary of State in the Department of Foreign Affairs, a printed copy of the regulations adopted by the Russian-American Company, and sanctioned by His Imperial Majesty, relative to foreign commerce in the waters bordering the establishments of the said company on the northwest coast of America.[b]

The undersigned conceives it to be, moreover, his duty to inform Mr. Adams that the Imperial Government, in adopting the regulation, supposes that a foreign ship, which shall have sailed from a European

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[a] See map No. 6 in Atlas accompanying the Case of the United States.

[b] The ukase and regulations enclosed will be found *ante* page 25.

port after the 1st of March, 1822, or from one of the ports of the United States after the 1st of July of the same year, can not lawfully pretend ignorance of these new measures.

The undersigned, etc.,

PIERRE DE POLETICA.

Mr. Adams to Mr. Poletica.

DEPARTMENT OF STATE,
Washington, February 25, 1822.

SIR: I have the honor of receiving your note of the 11th instant, inclosing a printed copy of the regulations adopted by the Russian-American Company, and sanctioned by His Imperial Majesty, relating to the commerce of foreigners in the waters bordering on the establishments of that company upon the northwest coast of America.

I am directed by the President of the United States to inform you that he has seen with surprise, in this edict, the assertion of a territorial claim on the part of Russia, extending to the fifty-first degree of north latitude on this continent, and a regulation interdicting to all commercial vessels other than Russian, upon the penalty of seizure and confiscation, the approach upon the high seas within 100 Italian miles of the shores to which that claim is made to apply. The relations of the United States with His Imperial Majesty have always been of the most friendly character; and it is the earnest desire of this Government to preserve them in that state. It was expected, before any act which should define the boundary between the territories of the United States and Russia on this continent, that the same would have been arranged by treaty between the parties. To exclude the vessels of our citizens from the shore, beyond the ordinary distance to which the territorial jurisdiction extends, has excited still greater surprise.

This ordinance affects so deeply the rights of the United States and of their citizens that I am instructed to inquire whether you are authorized to give explanations of the grounds of right, upon principles generally recognized by the laws and usages of nations, which can warrant the claims and regulations contained in it.

I avail, etc.,

JOHN QUINCY ADAMS.

The Chevalier de Poletica to the Secretary of State.

[Translation.]

WASHINGTON, *February 28, 1822.*

SIR: I received two days since the letter which you did me the honour to address to me on the same day, by order of the President of the United States, in answer to my note of the 11th current, by which I discharged the orders of my Government in communicating to you the new regulation adopted by the Russian-American Company, and sanctioned by His Majesty the Emperor, my august Sovereign, on the 4th (16th) September, 1821, relative to foreign commerce in the waters which border upon the establishments of the said company on the northwest coast of America.

Readily yielding, sir, to the desire expressed by you in your letter of knowing the rights and principles upon which are founded the determinate limits of the Russian possessions on the northwest coast of America from Behring Strait to the 51st degree of north latitude, I am happy to fulfil this task by only calling your attention to the following historical facts, the authenticity of which cannot be contested. The first discoveries of the Russians on the northwest continent of America go back to the time of the Emperor Peter I. They belong to the attempt, made towards the end of the reign of this great Monarch, to find a passage from the icy sea into the Pacific Ocean.

In 1728 the celebrated Captain Behring made his first voyage.

The recital of his discoveries attracted the attention of the Government, and the Empress Anne intrusted to Captain Behring (1741) a new expedition in these same latitudes. She sent with him the Academicians Gmelin, Delile de la Crayere, Müller, Steller, Fischer, Krasilnicoff, Kræcheninicoff, and others; and the first chart of these countries which is known was the result of their labours, published in 1758. Besides the strait which bears the name of the chief of this expedition, he discovered a great part of the islands which are found between the two continents. Cape or Mount St. Elias, which still bears this name upon all the charts, was so called by Captain Behring, who discovered it on the day of the feast of this saint; and his second, Captain Tchiricoff, pushed his discoveries as far as the 49th degree of north latitude.

The first private expeditions undertaken upon the northwest coast of America go back as far as the year 1743.

In 1763 the Russian establishments had already extended as far as the island of Kodiak (or Kichtak). In 1778 Cook found them at Ounalaska, and some Russian inscriptions at Kodiak. Vancouver saw the Russian establishment in the Bay of Kinai. In fine, Captains Mirs, Portlock, La Peyrouse, unanimously attest the existence of Russian establishments in these latitudes.

If the Imperial Government had at the time published the discoveries made by the Russian navigators after Behring and Tchiricoff, viz, Chlodiloff, Serebreanicoff, Krasilnicoff, Paycoff, Poushcareff, Lazereff, Medwedeff, Solowieff, Lewasheff, Kremtsin, and others, no one could refuse to Russia the right of first discovery, nor could even any one deny her that of first occupation.

Moreover, when D. José Martinez was sent in 1789 by the Court of Madrid to form an establishment in Vancouver's Island and to remove foreigners from thence, under the pretext that all that coast belonged to Spain, he gave not the least disturbance to the Russian colonies and navigators. Yet the Spanish Government was not ignorant of their existence, for this very Martinez had visited them the year before. The report which Captain Malespina made of the results of his voyage proves that the Spaniards very well knew of the Russian colonies; and in this very report it is seen that the Court of Madrid acknowledged that its possessions upon the coast of the Pacific Ocean ought not to extend to the north of Cape Blanc, taken from the point of Trinity, situated under 42° 59′ of north latitude.

When in 1799 the Emperor Paul I granted to the present American Company its first charter, he gave it the exclusive possession of the northwest coast of America, which belonged to Russia, from 55th degree of north latitude to Behring Straits. He permitted them to extend their discoveries to the south, and there to form establish-

ments, provided that they did not encroach upon the territory occupied by other powers.

This act, when made public, excited no claim on the part of other cabinets, not even on that of Madrid, which confirms that it did not extend its pretensions to the 60th degree.

When the Government of the United States treated with Spain for the cession of a part of the northwest coast it was able to acquire, by the treaty of Washington, the right to all that belonged to the Spaniard north of the 42nd degree of latitude; but this treaty says nothing positive concerning the northern boundary of this cession, because, in fact, Spain well knew that she could not say that the coast as far as the 60th degree belonged to her.

From this faithful exposition of known facts it is easy, sir, as appears to me, to draw the conclusion that the rights of Russia to the extent of the northwest coast specified in the regulation of the Russian-American Company rest upon the three bases required by the general law of nations and immemorial usage among nations—that is, upon the title of first discovery; upon the title of first occupation; and, in the last place, upon that which results from a peaceable and uncontested possession of more than half a century—an epoch, consequently, several years anterior to that when the United States took their place among independent nations.

It is, moreover, evident that, if the right to the possession of a certain extent of the northwest coast of America claimed by the United States only devolves upon them in virtue of the treaty of Washington, 1819 (and I believe it would be difficult to make good any other title), this treaty could not confer upon the American Government any right of claim against the limits assigned to the Russian possessions upon the same coast, because Spain herself had never pretended to such a right.

The Imperial Government, in assigning for limits to the Russian possessions on the northwest coast of America, on the one side Behring Straits and on the other the 51st degree of north latitude, has only made a moderate use of an incontestable right, since the Russian navigators, who were the first to explore that part of the American Continent in 1741, pushed their discovery as far as the 49th degree of north latitude. The 51st degree, therefore, is no more than a mean point between the Russian establishment of New Archangel, situated under the 57th degree, and the American colony at the mouth of the Columbia, which is found under the 46th degree of the same latitude.

All these considerations united have concurred in inspiring the Imperial Government with an entire conviction that, in the last arrangements adopted in Russia relative to her possessions on the northwest coast, the legitimate right of no foreign power has been infringed. In this conviction the Emperor, my august sovereign, has judged that his good right, and the obligation imposed by Providence upon him to protect with all his power the interests of his subjects, sufficiently justified the measures last taken by His Imperial Majesty in favour of the Russian-American Company, without its being necessary to clothe them with the sanction of treaties.

I shall be more succinct, sir, in the exposition of the motives which determined the Imperial Government to prohibit foreign vessels from approaching the northwest coast of America belonging to Russia within the distance of at least 100 Italian miles. This measure, how-

ever severe it may at first view appear, is, after all, but a measure of prevention. It is exclusively directed against the culpable enterprises of foreign adventurers, who, not content with exercising upon the coasts above mentioned an illicit trade, very prejudicial to the rights reserved entirely to the Russian-American Company, take upon them besides to furnish arms and ammunition to the natives in the Russian possessions in America, exciting them likewise, in every manner, to resistance and revolt against the authorities there established.

The American Government doubtless recollects that the irregular conduct of these adventurers, the majority of whom was composed of American citizens, has been the object of the most pressing remonstrances on the part of Russia to the Federal Government from the time that diplomatic missions were organized between the two countries. These remonstrances, repeated at different times, remain constantly without effect, and the inconvenience to which they ought to bring a remedy continues to increase.

The Imperial Government, respecting the intentions of the American Government, has always abstained from attributing the ill success of its remonstrances to any other motives than those which flow, if I may be allowed the expression, from the very nature of the institutions which govern the national affairs of the American Federation. But the high opinion which the Emperor has always entertained of the rectitude of the American Government can not exempt him from the care which his sense of justice toward his own subjects imposes upon him. Pacific means not having brought any alleviation to the just grievances of the Russian-American Company against foreign navigation in the waters which environ their establishments on the northwest coast of America, the Imperial Government saw itself under the necessity of having recourse to the means of coercion and of measuring the rigour according to the inveterate character of the evil to which it wished to put a stop. Yet it is easy to discover, on examining closely the last regulation of the Russian-American Company, that no spirit of hostility had anything to do with its formation. The most minute precautions have been taken in it to prevent abuses of authority on the part of commanders of Russian cruisers appointed for the execution of said regulation. At the same time, it has not been neglected to give all the timely publicity necessary to put those on their guard against whom the measure is aimed.

Its action therefore can only reach the foreign vessels which, in spite of the notification, will expose themselves to seizure by infringing upon the line marked out in the regulation. The Government flatters itself that these cases will be very rare; if all remains as at present—not one.

I ought, in the last place, to request you to consider, Sir, that the Russian possessions in the Pacific Ocean extend on the northwest coast of America from Behring Straits to the 51st degree of north latitude, and on the opposite side of Asia and the islands adjacent from the same strait to the 45th degree. The extent of sea of which these possessions form the limits comprehends all the conditions which are ordinarily attached to shut seas ("mers fermées"); and the Russian Government might consequently judge itself authorized to exercise upon this sea the rights of sovereignty, and especially that of interdicting the entrance of foreigners. But it preferred only asserting its essential rights, without taking advantage of localities.

The Emperor, my august sovereign, sets a very high value upon the maintenance of the relations of amity and good understanding which have till now subsisted between the two countries. The dispositions of His Imperial Majesty in this regard have never failed appearing at all times when an occasion has presented itself in the political relations of the United States with the European powers; and, surely, in the midst of a general peace, Russia does not think of aiming a blow at the maritime interests of the United States—she who has constantly respected them in those difficult circumstances in which Europe has been seen to be placed in the latter times, and the influence of which the United States have been unable to avert.

I avail, &c.

(Signed) PIERRE DE POLETICA.

Mr. Adams to M. de Poletica.

DEPARTMENT OF STATE,
Washington, March 30, 1822.

SIR: I have had the honour of receiving your letter of the 28th ultimo, which has been submitted to the consideration of the President of the United States.

For the deduction which it contains of the grounds upon which Articles of Regulation of the Russian-American Company have now, for the first time, extended the claim of Russia on the northwest coast of America to the 51st degree of north latitude, its only foundation appears to be the existence of the small Settlement of Novo Archangelsk, situated, not on the American Continent, but upon a small island in latitude 57°; and the principle upon which you state that this claim is now advanced is that the 51st degree is *equidistant* from the Settlement of Novo Archangelsk and the establishment of the United States at the mouth of the Columbia River; but from the same statement it appears that, in the year 1799, the limits prescribed by the Emperor Paul to the Russian-American Company were fixed at the 55th degree of latitude, and that, in assuming now latitude of 57°, a new pretension is asserted, to which no settlement made since the year 1799 has given the colour of a sanction.

This pretension is to be considered not only with reference to the question of territorial rights, but also to that prohibition to the vessels of other nations, including those of the United States, who approach within 100 Italian miles of the coast. From the period of the existence of the United States as an independent nation their vessels have freely navigated those seas, and the right to navigate them is a part of that independence.

With regard to the suggestion that the Russian Government might have justified the exercise of sovereignty over the Pacific Ocean as a close sea, because it claims territory both on its American and Asiatic shores, it may suffice to say that the distance from shore to shore on this sea, in latitude 51° north, is not less than 90 degrees of longitude, or 4,000 miles.

As little can the United States accede to the justice of the reason assigned for the prohibition above mentioned. The right of the citizens of the United States to hold commerce with aboriginal natives of

the northwest coast of America, without the territorial jurisdiction of other nations, even in arms and munitions of war, is as clear and indisputable as that of navigating the seas. That right has never been exercised in a spirit unfriendly to Russia; and although general complaints have occasionally been made on the subject of this commerce by some of your predecessors, no specific ground of charge has ever been alleged by them of any transaction in it which the United States were, by the ordinary laws and usages of nations, bound either to restrain or to punish. Had any such charge been made, it would have received the most pointed attention of this Government, with the sincerest and firmest disposition to perform every act and obligation of justice to yours which could have been required.

I am commanded by the President of the United States to assure you that this disposition will continue to be entertained, together with the earnest desire that the most harmonious relations between the two countries may be preserved.

Relying upon the assurance in your note of similar dispositions reciprocally entertained by His Imperial Majesty towards the United States, the President is persuaded that the citizens of this Union will remain unmolested in the prosecution of their lawful commerce, and that no effect will be given to an interdiction manifestly incompatible with their rights.

I am, &c., (Signed) JOHN QUINCY ADAMS.

Chevalier de Poletica to Mr. Adams.

[Translation.]

WASHINGTON, *2 April (21 March), 1822.*

SIR: I had the honor yesterday to receive the letter which you were pleased to address to me, dated 30 March last (n. –st.), and not being authorized to continue the discussion to which it refers, I find myself under the necessity of taking the contents of that letter ad referendum, reserving myself to communicate it to my Government as soon as possible.

In the meantime I shall take the liberty of submitting to your consideration some observations which have been suggested to me by certain passages in your letter which require particular notice.

In the first official letter which I had the honor of addressing to you, dated 16 28 February last, I thought I had succeeding in clearly demonstrating that the rights of Russia to the possession of a certain extent of the northwest coast of America—as far as these rights can be rendered legitimate by the first discovery, the first occupation, and a possession not contested for more than half a century—that these rights, I say, go back to times considerably earlier than the reign of the Emperor Paul I.

When this sovereign granted, in 1799, to the Russian-American Society its first charter of incorporation, there had never been a question about abandoning to that company the right of sovereignty over one determinate portion of the northwest coast of America in all its plenitude. The question was purely and simply of conceding to the said company a part of the sovereignty, or rather certain exclusive

privileges of commerce, and it is in this view that the act of 1799, to which you refer, sir, fixed the limits of the operations of the Russian-American Company.

The rights of sovereignty belonging to Russia could lose nothing of their local extent in consequence of the concessions made to that company in the reign of the Emperor Paul. That these rights extended in the opinion of the Imperial Government farther south than the 55th degree of latitude appears evident from the structure of the 3d article of the act of incorporation, which authorizes the company to form establishments south of the 55th degree of north latitude.

But what will dispel even the shadow of doubt in this regard is the authentic fact that in 1789 the Spanish packet St. Charles, commanded by Captain Haro, found in the latitude 48 and 49 Russian establishments to the number of 8, consisting in the whole of 20 families and 462 individuals. These were the descendants of the companions of Captain Tchiricoff, who were supposed till then to have perished.

With such titles justifying the rights claimed by Russia, you yourself, sir, will agree that it is perfectly immaterial whether the Russian establishment at Novo Archangelsk be small or large. If the rights of territorial possession were measured according to the dimensions of the points occupied, what would become of those of the United States upon a very considerable extent of the same northwest coast? For the only American establishment ever yet known is certainly very inferior in stability to that of Russia at Novo Archangelsk.

In the same manner the great extent of the Pacific Ocean at the 51° of latitude cannot invalidate the right which Russia may have of considering that part of the ocean as close. But as the Imperial Government has not thought fit to take advantage of that right, all further discussion on this subject would be idle.

As to the right claimed for the citizens of the United States of trading with the natives of the country of the northwest coast of America without the limits of the jurisdiction belonging to Russia, the Imperial Government will not certainly think of limiting it and still less of attacking it there. But I cannot dissemble, sir, that this same trade beyond the 51st degree will meet with difficulties and inconveniences for which the American owners will only have to accuse their own imprudence after the publicity which has been given to the measures taken by the Imperial Government for maintaining the rights of the Russian-American Company in their absolute integrity.

I shall not finish this letter without repeating to you, sir, the very positive assurance, which I have already had the honour once of expressing to you, that in every case where the American Government shall judge it necessary to make explanations to that of the Emperor, the President of the United States may rest assured that these explanations will be always attended to by the Emperor, my august sovereign, with the most friendly and consequently with the most conciliatory dispositions.

Be pleased to accept, sir, the assurance of my high consideration.

PIERRE DE POLETICA.

Mr. Adams to Mr. Middleton.

No. 12.] DEPARTMENT OF STATE,
Washington, 13 May, 1822.

SIR: * * * You will receive with this letter a printed copy of the documents communicated to the House of Representatives in answer to a resolution calling for information respecting the Imperial ukase relative to the northwest coast of America, to which will be added copies of a letter to the Chevalier de Poletica, written subsequently to the communication to Congress, and immediately before his departure from this place, and of his answer.

From these papers you will perceive the interest which has been excited here by the decree, which is universally considered as unwarranted by the laws of nations and as derogatory to the rights of the United States, both on the assumption for the first time of the 51st degree of north latitude, and in the interdiction of the vessels of other nations than Russia to approach within 100 Italian miles of the coast. You will not fail to impress these ideas upon the Russian Government in your communications with them, and particularly to insist upon the revocation of any orders, if any have been given, to the commanders of the Russian armed vessels in those seas which infringe upon the unquestionable rights of our navigators.

There is no doubt that vessels of the United States which will sail from their ports after the first of July next, the time notified as that after which the Imperial ordinance will be carried into effect, will approach within 100 Italian miles of the coast, and if they should be molested the excitement in this country will be very great. It will be deeply lamented by the President not only as an example of encroachment upon the freedom of the seas by a power which we have relied upon as among the most strenuous vindicators of their liberty, but as countenancing and even outstripping the doctrines of those who are led by the possession of predominant power upon that element to seek apologies for the abuse of it in the practice of other nations more interested in the support of the common rights of all. The grounds alleged by Mr. Poletica in support of the provisions of the ukase are certainly untenable, and we cannot believe that either they or the boundary will be insisted on by the Russian Government. At all events you will, with all the delicacy which the amicable relations between the two Governments will require, and all the mitigations which the most conciliatory forms can give to a determined purpose, make it most distinctly to be understood that the United States cannot for a moment acquiesce in those regulations, and that they will never admit that they can in any manner impair their rights, or those of their citizens.

The Chevalier de Poletica has himself kindly offered to be the bearer of this letter. He returns home upon leave of absence, but without expectation of visiting this country again. His relations with this Government have always been friendly, respectful, and in many instances confidential. On taking leave of the President he declared that he was instructed to express the continuance of the most amicable sentiments of the Emperor towards the United States, of which the President assured him of his high gratification and a cordial return. Mr. Poletica's conduct during his residence here has deserved the

esteem and approbation of the President, which he wishes you to make known in a suitable manner to the Imperial Government.

I am, etc.,

JOHN QUINCY ADAMS.

Board of administration of Russian-American Company to chief manager of the Russian-American colonies.

[Received on the frigate *Kreiser*, September 3, 1823.]

No. 481. Secret.] JULY 31, 1822.

You will see from the inclosed copy of a letter from the ministry (of finance), and the observations of this board thereon, that England and the United States are raising objections to the privileges granted to the colonies and to the Maritime Regulations; to the former because our Government have fixed the boundary at 51 degrees, and to the latter because foreign ships are forbidden to come within 100 miles of our colonies.

In view of these pretensions, His Imperial Majesty has been pleased to instruct the Russian minister to the United States to agree with that Government upon the measures necessary to be adopted in order to prevent any further dispute. If you should have any discussion with the foreigners on these subjects, you will be guided by the inclosed papers. At the same time, this board has to inform you, in connection with these matters, that His Imperial Majesty has been pleased to instruct the commander of the frigate *Kreiser*, which is now on its way to you, through the naval head of the general staff, not to apply the 100-mile rule too strictly; accordingly, if he found a foreign ship nearer than that distance he would act with regard to it as laid down in the Maritime Regulations.

VENEDICT KRAMER.
ANDREI SEVERIN.
ZELENSKY,
Chief clerk.

[Inclosure in No. 481.]

Offices of the ministry of finance, 2nd division, 3rd table, to the chief manager of the Russian-American Company.

[Received July 18, 1822.]

No. 938. Secret.] JULY 18, 1822.

The head of the ministry of foreign affairs has informed me that, on our Government communicating to the cabinets of London and Washington the regulations for the limits of navigation, and for communication by sea along the shores of eastern Siberia, northwestern America, and the Aleutian, Kurile, and other islands, approved by His Imperial Majesty on the 4th September, 1821, the English and North American Governments made representations against what they term the extension of our dominions, as well as against the rules forbidding foreign ships to come within 100 Italian miles of the above-mentioned places.

On these representations being reported to the Emperor, His Imperial Majesty, being anxious to do all in his power to preserve the best understanding in his relations with foreign powers, and especially wishing to prevent the occurrence of conflicts between Russian and American ships, which might lead to unpleasantness, was pleased to give instructions to the department of the navy in accordance with these

views, in connection with the sending of two ships this year to the northwest coast of America. His Imperial Majesty at the same time gave orders for the following steps to be taken meanwhile:

1. Baron Tuyll von Seroskerken is to be appointed imperial Russian envoy extraordinary and minister plenipotentiary to the United States of North America in place of M. Poletica, and is to proceed to Washington, without delay, to concert with the American Government measures to be taken by common consent to prevent any further dispute on the subject of the extent of the respective jurisdictions of Russia and the United States on the northwest coast of America, to put an end to the complaints of our American colonies of the proceedings of certain citizens of the United States, and by this means to make it unnecessary to enforce to their full extent the regulations of the 4th September, 1821, which we should otherwise have to apply rigorously.

2. In order that Baron Tuyll may be enabled the more easily to carry out the mission intrusted to him, the Russian-American Company are to furnish me as soon as possible with a statement of the measures which we might call upon the Government of the United States of America to take in order that the sources from which the company derive their revenue may not suffer and in order that the native inhabitants of those regions may not disturb our settlements by carrying on prohibited trade. These measures should be of such a nature as to make it unnecessary for us any longer to insist on the distance stated in the rules of the 4th September, 1821, to be that within which no foreign ship may come, and such as to enable us to confine ourselves to exercising a control over such an extent of water only as is by common custom considered to be under the jurisdiction of any power which has possession of the seaboard, and to introducing on the coast such a system of surveillance as may be found necessary for the protection of our territory from attack and for the prevention of illicit trading.

In communicating to me the Emperor's orders in this matter, the head of the foreign office desires that the company's statement may be accompanied by an accurate acount of the localities where the Russian-American Company has hitherto exercised the right of hunting, fishing, and trading, as well as an indication of the parallel of latitude which can be fixed as the furthest limit of our dominions, without giving rise to remonstrances and pretensions such as those which have lately been evoked.

The head of the foreign office adds that when the charter granted to the Russian-American Company in 1799 fixed as this boundary the 55th degree of latitude north and gave permission to the company to establish new stations even south of this line, except in places belonging to other powers, no foreign government objected to these two points, but that on the other hand it appears that two English companies, the Northwest Company and the Hudson's Bay Company, have long had trading stations established on the northwest coast of the American continent, beginning from 54° north latitude and extending, according to some accounts, to 56°.

Under these circumstances, Privy Councillor Count Nesselrode thinks that it would be useful if the Russian-American Company would communicate all the information in its possession with regard to the existence of these stations and the time of their establishment, as he considers such information indispensable in order to avoid claims being advanced by England when we proceed with the United States to the delimitation of our respective territories.

In bringing what is stated above to the notice of the board of administration of the Russian-American Company, in accordance with the Emperor's orders, I have to request it to supply, without delay and in sufficient detail, the information required from it, in order that a firm basis of fact may be established on which to found the instructions to be sent to Baron Tuyll, with a view to the defence of our territory against unfounded claims and injurious attempts on the part of foreigners, and to the protection of the interests of the Russian-American Company, in accordance with the aims which the Government had before it when drawing up the charter granted to the company and the regulations approved by His Imperial Majesty on the 4th September, 1821.

Count D. Gurief,
Minister of Finance.
Y. Drushinin,
Director

A true copy:
The Chief Clerk.

Mr. Middleton to Mr. Adams.

No. 23.] ST. PETERSBURG, *August 8, 1822.*

SIR: I am desirous of giving you a full account of what has occurred here upon the subject of the N. W. contestation, because I conceive it to be important, on account of the impending negotiation upon that subject, that you should be furnished with all the information attainable respecting the views and feelings of this Government upon it; and also because I wish you to understand the reason of the very moderate tone of the note I presented upon receipt of the instructions contained in your No. 12.

Having premised this much, I proceed to state that from the time of the publication of the ukase respecting the N. W. trade, although I refrained from taking any official steps until I should receive instructions so to do, yet I omitted no proper occasion of making known my private opinion upon that subject in conversation with the secretaries and with all such persons as I knew were habitually consulted upon questions of a similar nature. To Mr. Speransky, governor-general of Siberia, who had been one of the committee originating this measure, I stated my objections at length. He informed me that the first intention had been (as Mr. Poletica afterwards wrote you) to declare the northern portion of the Pacific Ocean as *mare clausum*, but that idea being abandoned, probably on account of its extravagance, they determined to adopt the more moderate measure of establishing limits to the maritime jurisdiction on their coasts, such as should secure to the Russian American Fur Company the monopoly of the very lucrative traffic they carry on. In order to do this they sought a precedent and found the distance of 30 leagues, named in the treaty of Utrecht, and which may be calculated at about 100 Italian miles, sufficient for all purposes. I replied ironically that a still better precedent might have been pointed out to them in the papal bull of 1493, which established as a line of demarcation between the Spaniards and Portuguese a meridian to be drawn at the distance of 100 miles west of the Azores, and that the expression "Italian miles" used in the ukase very naturally might lead to the conclusion that this was actually the precedent looked to. He took my remarks in good part, and I am disposed to think that this conversation led him to make reflections which did not tend to confirm his first impressions, for I found him afterwards at different times speaking confidentially upon the subject.

For some time past I began to perceive that the provisions of the ukase would not be persisted in. It appears to have been signed by the Emperor without sufficient examination, and may be fairly considered as having been surreptitiously obtained. There can be little doubt, therefore, that with a little patience and management it will be molded into a less objectionable shape. But, in this, as in other matters, the *revocare gradum* is most difficult. Since the receipt of your dispatch No. 12 I have had several conferences with the secretaries of state and we have discussed fully and freely *the state of the question* as left by Mr. Poletica with your letter unanswered in his pocket. At length, on the morning of the 24th of July, having learned that preparation was making for the departure of the Emperor for Vienna, I had a conversation with Count Capodistrias, in which I informed him that I intended to ask a formal interview with Count Nesselrode before his departure, for the purpose of taking up this subject and urging some

decision upon it, as I never had been able to ascertain officially whether the offensive provisions of the ukase would be revoked. I felt the more anxious, too, because I had learned that a Russian frigate was shortly to sail for the N. W. coast. I informed him further that I had prepared a *note verbale* to leave with Count Nesselrode, which I begged to be permitted to read to him (Count Capodistrias), as I was well assured of his anxious desire that all things should go on smoothly between us. (See paper No. 1.)

After hearing this paper with attention he said to me: "Puisque vous me faites l'honneur de me consulter, je vous dirai franchement mon avis. Si vous voulez que la chose s'arrange, ne donnez point votre note—l'Empereur a déjà eu le bon esprit de voir que cette affaire ne devrait pas être pousée plus loin. Nous sommes disposés à ne pas y donner de suite. Les ordres pour nos vaisseaux de guerre seront bornés à empêcher la contrebande dans les limites reconnues par les autres puissances, en prenant nos établissemens actuels pour base de ces opérations. De cette manière, il n'y aura pas de complication pour entraver la négociation que pourra entamer M. le Baron de Tuyll dès son arrivée à Washington. Si vous dites que vous faites protestation, vous ferez du tort à la négociation; il ne faut pas non plus faire l'insinuation que nous ayons avancé une injuste prétention, même en nous complimentant sur notre politique passée: il ne faut pas nous sommer de révoquer des ordres donnés; nous ne révoquons pas; nous ne nous rétractons pas. Mais dans le fait il n'y a pas d'ordres donnés qui autorisent ce que vous craignez."[a]

After much discussion I acquiesced in the solidity of the reasons for not delivering my note, and immediately wrote to Count Nesselrode asking an interview, which was granted for the 27th day of the month.

At that conference I talked over the matter with the two secretaries of state and brought fully to their view the substance of the instructions upon the ukase of the 4th September last, insisting upon the necessity of this Government suspending the execution of those regulations which violate the general right of navigating within the common jurisdiction of all nations, and declaring that the territorial pretension advanced by Russia must be considered as entirely inadmissible by the United States until the conflicting claims shall have been settled by treaty. I received verbal assurances that our wish in both respects will be complied with, and that it is the intention of the Emperor that Baron Tuyll shall be furnished with full powers to adjust all controversies upon the subject of trade and territory upon the N. W. coast. "Mais en attendant," said Ct. Capodistrias, "votre gouvernment voudra bien défendre à ses sujets le commerce dans les limites sujettes

[a] [Translation.]—After hearing this paper with attention he said to me: Since you do me the honor to consult me, I will frankly tell you my opinion. If you wish the affair arranged, do not present your note.' The Emperor has already had the good sense to see that this affair should not be pushed too far. We are disposed not to follow it up. The orders to our war vessels will be limited to the prevention of the contraband trade within the limits recognized by the other powers, taking our present establishments as a basis for these operations. In this way there will be no complication to embarrass the negotiation which may be commenced by Baron de Tuyll on his arrival at Washington.

If you say that you protest, you will do harm to the negotiation; nor should you insinuate that we have advanced an unjust claim, even while complimenting us on our past policy; you should not demand that we revoke the orders we have issued. We will not revoke them; we will not draw back; but in fact no orders have been issued which authorize your apprehension.

à contestation." In answer to this apostrophe I represented that this could not possibly be done without admitting the exclusive rights of Russia, and that until those should be made manifest our Government has no authority to inhibit its citizens from exercising their free industry within the limits sanctioned by the laws of their country and of nations.

I thought it necessary to give official form to these verbal communications, and upon stating this to the secretaries *it was agreed* that I should simply *ask to be informed what was intended* by the Imperial Government, and they promised that the answer should be satisfactory. Immediately on my return home I penned the note No. 2, and received in answer, upon the first of this month, that numbered 3.

I have, etc.,

HENRY MIDDLETON.

P. S.—A Russian frigate of 44 guns and 120 men, commanded by Capt. Lieut. Lazaroff, sailed about the 1st of August (O. S.), in company with a Norse ship, bound for the N. W. coast.

The SECRETARY OF STATE OF THE UNITED STATES.

ST. PETERSBURG, *August 8/20*, 1822.

[Inclosure No. 1—Prepared, but not delivered.]

Note verbale.

The correspondence of the Russian envoy in the United States of America with the Secretary of State of that Government has probably given the Imperial Government a sufficient knowledge of the weighty reasons that have induced the Government of the said States to protest against the changes made in the regulations governing foreign commerce in those parts of the Russian possessions that are situated on the Pacific coast.

If all the powers, and especially commercial nations, are interested in the maintenance of maritime rights unimpaired, it is not to be doubted that the President of the United States has learned with the deepest concern that the aforesaid regulations have been sanctioned by a power which has long been fondly regarded as a protector of the freedom of navigation against all unjust pretensions; for he must, with reason, fear the influence of such an example, and must also fear lest nations possessing preponderating power at sea may avail themselves thereof to justify abuses of power by the example of those which should be most interested in upholding the universal rights of nations.

Since the President can not close his eyes to the fact that public opinion is greatly opposed to these regulations, and is fully convinced that it is quite impossible for the United States Government to acquiesce in them, he has thought proper, not only in view of his feelings of friendship for His Majesty the Emperor of all the Russias, but of the uprightness of intention of which he is conscious, and of the frankness which he uses on all occasions, not to leave the Imperial Government in uncertainty with regard to his determination to uphold the rights and interests of his fellow-citizens, and to insist that the United States and their subjects shall still have, as they have had in the past, full liberty to sail in the Pacific Ocean and off the coasts of the neighboring countries within the limits recognized by the law of nations.

A careful perusal of the correspondence which has recently been exchanged at Washington in relation to the aforesaid regulations can not fail to show that a state of war between the two powers exists already, owing to the principles that have been avowed on both sides. Nothing is lacking to make this complete except a declaration or acts of violence, which latter can not be long in coming, unless precautionary measures be at once taken.

It is especially owing to this circumstance that the departure of Mr. Poletica without having been authorized to enter upon a discussion of our mutual rights and duties is to be regretted.

Under present circumstances it is very desirable that there should be a suspension of the territorial claims of Russia to the border regions of the United States, without prejudice to the respective rights of the powers interested, until the settlement of the boundaries by a treaty, but it is especially necessary, for the avoidance of any complications that might arise through hostilities, that the Russian Government should abstain from putting into execution the measures ordered by the ukase of September 4, 1821, and that it should consent to revoke the orders issued to its vessels of war, if any such have been issued, authorizing those measures to be put into execution.

In the fear of jeopardizing more important interests than those just now under consideration, and in order not to run any risks that foresight may prevent, the undersigned deems it his duty to make this representation, and he earnestly hopes that the Imperial Government will see, and will avert by acting upon these suggestions, the dangers which threaten to disturb the good understanding which so happily exists between the two countries.

(Signed) H'y Middleton.

St. Petersburg, *July 24th, 1822.*

[Inclosure No. 2.]

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, has the honor to call the attention of his excellency the secretary of state, Count Nesselrode, to the correspondence which has recently taken place between the envoy of Russia in the United States and the Secretary of State of the United States.

The correspondence has probably sufficiently made known the reasons which the United States have alleged for not agreeing to the regulations adopted by the Russian American Company for the government of foreign commerce in those parts of their possessions that are on the Pacific coast.

Mr. Poletica's departure from the United States without having been authorized to enter more fully upon the discussion of our reciprocal rights and duties is to be regretted exceedingly, because the divergence of the opinions avowed on both sides may give rise, by its duration, to acts of violence which will occasion annoying complications.

In the meantime the undersigned deems it his duty to inquire what the intentions of the Imperial Government are as regards the measures to be adopted for the avoidance of the complications which would be the outcome of the peremptory execution of the aforesaid regulations.

The undersigned flatters himself that the Imperial Government will regard this step simply as the result of his earnest desire to avert the dangers which might threaten to disturb the good understanding which so happily exists between the two powers, and, awaiting a favorable reply, he has the honor to renew to his exellency the secretary of state the assurance of his high consideration.

(Signed) H'y Middleton.

St. Petersburg, *July 27th, 1822.*

[Inclosure No. 3.]

The undersigned secretary of state, acting minister of foreign affairs, hastened to lay before the Emperor the note which Mr. Middleton, envoy extraordinary and minister plenipotentiary of the United States of America, addressed to him on the 27th ultimo, calling the attention of the Imperial ministry to the correspondence which has passed between the envoy of Russia at Washington and the United States Government, with regard to certain clauses of the regulations issued September 4/16, 1821, which were designed to protect the interests of Russian commerce on the northwest coast of North America.

Being actuated by the constant desire to maintain in all their integrity the friendly relations existing between the court of Russia and the United States Government, the Emperor has been pleased to forestall the wishes which have just been made known to him. Major-General Baron de Tuyll, who has been appointed to the post that was filled by Mr. de Poletica, received orders to devote himself to the important task which his predecessor would have performed had the state of his health allowed him to prolong his stay in America.

Having no doubt of the friendly disposition which will be manifested by the American Government in the negotiations which are about to be set on foot by

General Tuyll, and feeling assured in advance that, by a series of these same negotiations, the interests of the commerce of the Russian American Company will be preserved from all injury, the Emperor has caused the vessels of the Imperial navy which are about to visit the northwest coast to be furnished with instructions which are very much in keeping with the object that both Governments desire to attain, by mutual explanations, in a spirit of justice, harmony, and friendship.

Having thus removed, so far as he is concerned, everything that might have given rise to the acts of violence which the American Government seems to have been long apprehending, His Imperial Majesty trusts that the President of the United States will in turn adopt such measures as his wisdom may suggest to him as best adapted to rectify all those errors, that have been intensified by that malevolence which seeks to misconstrue intentions and jeopardize the amicable relations of the two Governments.

As soon as the shippers and merchants of the United States shall become convinced that the questions which have arisen in connection with the regulations of September 4 16 are receiving attention, and that it is firmly purposed to bring them to a decision that shall be mutually satisfactory, under the auspices of justice and of our unalterable friendship, then will it be impossible for the surveillance which the vessels of the Imperial navy going to the northwest coast of America are directed by the new instructions to exercise there ever to give rise to unpleasant complications.

The undersigned, entertaining this conviction, which will doubtless be shared by Mr. Middleton, has but to add to the communications which he has been ordered to make in reply to the note of July 27th the assurance of his very distinguished consideration.

(Signed) NESSELRODE.

ST. PETERSBURG, *August 1st, 1822.*

Baron Tuyll to Mr. Adams.

[Translation.]

WASHINGTON, *April 12* (*24*), *1823.*

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the Emperor of all the Russias near the United States of America, has had the honor to express to Mr. Adams, Secretary of State, the desire of the Emperor, his master, who is ever animated by a sincere friendship towards the United States, to see the discussions that have arisen between the cabinets of St. Petersburg and Washington, upon some provisions contained in the ukase of the 4th (16th) of September, 1821, relative to the Russian possessions on the northwest coast of America, terminated by means of friendly negotiation.

These views of His Imperial Majesty coincide with the wish expressed some time since on the part of the United States in regard to a settlement of limits on the said coast.

The ministry of the Emperor having induced the British ministry to furnish Sir Charles Bagot, ambassador of His Majesty the King of England near His Imperial Majesty, with full powers necessary for the negotiation about to be set on foot for reconciling the difficulties existing between the two courts on the subject of the northwest coast, the English Government is desirous of acceding to that invitation.

The undersigned has been directed to communicate to Mr. Adams, Secretary of State, in the name of his august master, and as an additional proof of the sentiments entertained by His Imperial Majesty towards the President of the United States and the American Government, the expression of his desire that Mr. Middleton be also furnished with the necessary powers to terminate with the Imperial cabinet, by an arrangement founded on the principle of mutual convenience, all

the differences that have arisen between Russia and the United States in consequence of the law published September 4 (16), 1821.

The undersigned thinks he may hope that the Cabinet of Washington will, with pleasure, accede to a proposition tending to facilitate the completion of an arrangement based upon sentiments of mutual good will and of a nature to secure the interests of both countries.

He profits, etc.,

TUYLL.

Mr. Adams to Baron Tuyll.

DEPARTMENT OF STATE,
Washington, May 7, 1823.

The undersigned, Secretary of State of the United States, has submitted to the consideration of the President the note which he had the honor of receiving from the Baron de Tuyll, envoy extraordinary and minister plenipotentiary from His Imperial Majesty the Emperor of all the Russias, dated the 12th (24th) of the last month.

The undersigned has been directed, in answer to that note, to assure the Baron de Tuyll of the warm satisfaction with which the President receives and appreciates the friendly dispositions of His Imperial Majesty toward the United States; dispositions which it has been, and is, the earnest desire of the American Government to meet with corresponding returns, and which have been long cemented by the invariable friendship and cordiality which have subsisted between the United States and His Imperial Majesty.

Penetrated with these sentiments, and anxiously seeking to promote their perpetuation, the President readily accedes to the proposal that the minister of the United States at the court of His Imperial Majesty should be furnished with powers for negotiating, upon principles adapted to those sentiments, the adjustment of the interests and rights which have been brought into collision upon the northwest coast of America, and which have heretofore formed a subject of correspondence between the two Governments, as well at Washington as at St. Petersburg.

The undersigned is further commanded to add that, in pursuing, for the adjustment of the interests in question, this course, equally congenial to the friendly feelings of this nation towards Russia and to their reliance upon the justice and magnanimity of His Imperial Majesty, the President of the United States confides that the arrangements of the cabinet of St. Petersburg will have suspended the possibility of any consequences resulting from the ukase to which the Baron de Tuyll's note refers which could affect the just rights and the lawful commerce of the United States during the amicable discussion of the subject between the Governments respectively interested in it.

The undersigned, etc.,

JOHN QUINCY ADAMS.

Mr. Adams to Mr. Middleton.

No. 16.] DEPARTMENT OF STATE,
Washington, July 22, 1823.

SIR: I have the honor of inclosing, herewith, copies of a note from Baron de Tuyll, the Russian minister, recently arrived, proposing, on

the part of His Majesty the Emperor of Russia, that a power should be transmitted to you to enter upon a negotiation with the ministers of his Government concerning the differences which have arisen from the imperial ukase of 4th (16th) September, 1821, relative to the northwest coast of America, and of the answer from this Department acceding to this proposal. A full power is accordingly inclosed, and you will consider this letter as communicating to you the President's instructions for the conduct of the negotiation.

From the tenor of the ukase, the pretensions of the Imperial Government extend to an exclusive territorial jurisdiction from the forty-fifth degree of north latitude on the Asiatic coast to the latitude of fifty-one north on the western coast of the American continent; and they assume the right of interdicting the *navigation* and the fishery of all other nations to the extent of one hundred miles from the whole of that coast.

The United States can admit no part of these claims. Their right of navigation and of fishing is perfect, and has been in constant exercise from the earliest times, after the peace of 1783, throughout the whole extent of the Southern Ocean, subject only to the ordinary exceptions and exclusions of the territorial jurisdictions, which, so far as Russian rights are concerned, are confined to certain *islands* north of the fifty-fifth degree of latitude, and have no existence on the continent of America.

The correspondence between Mr. Poletica and this Department contained no discussion of the principles or of the facts upon which he attempted the justification of the imperial ukase. This was purposely avoided on our part, under the expectation that the Imperial Government could not fail, upon a review of the measure, to revoke it altogether. It did, however, excite much public animadversion in this country, as the ukase itself had already done in England. I inclose herewith the North American Review for October, 1822, No. 37, which contains an article written by a person fully master of the subject; and for the view of it taken in England, I refer you to the 52d number of the Quarterly Review, the article upon Lieutenant Kotzebue's voyages.[a] From the article in the North American Review it will be seen that the rights of discovery, of occupancy, and of uncontested possession, alleged by Mr. Poletica, are all without foundation in fact.

It does not appear that there ever has been a permanent Russian settlement on this continent south of latitude 59; that of New Archangel, cited by Mr. Poletica, in latitude 57° 30′, being upon an island. So far as prior *discovery* can constitute a foundation of right, the papers which I have referred to prove that it belongs to the United States as far as 59° north, by the transfer to them of the rights of Spain. There is, however, no part of the globe where the mere fact of discovery could be held to give weaker claims than on the Northwest coast. "The great sinuosity," says Humboldt, "formed by the coast between the 55th and 60th parallels of latitude embraces discoveries made by Gali, Behring and Tchivikoff, Quadra, Cook, La Perouse, Malespiēr, and Vancouver. No European nation has yet formed an establishment upon the immense extent of coast from Cape Mendosino to the 59th degree of latitude. Beyond that limit the Rus-

[a] For article in Quarterly Review, see Fur Seal Arbitration, Vol. IV, p. 227. For North American Review, Ib., p. 244.

sian factories commence, most of which are scattered and distant from each other, like the factories established by the European nations for the last three centuries on the coast of Africa. Most of these little Russian colonies communicate with each other only by sea, and the new denominations of Russian-America, or Russian possessions in the new continent, must not lead us to believe that the coast of Behrings Bay, the peninsula of Alaska, or the country of Ischugatschi, have become Russian *provinces* in the same sense given to the word when speaking of the Spanish provinces of Sonora or New Biscay."—(Humboldt's New Spain, vol. 2d, book 3d, ch. 8, p. 496.)

In Mr. Poletica's letter of 28th February, 1822, to me, he says that when the Emperor Paul I granted to the present American Company its first charter in 1799 he gave it the *exclusive possession* of the northwest coast of America, which belonged to Russia, from the 55th degree of north latitude to Behrings Strait.

In his letter of 2d of April, 1822, he says that the charter to the Russian-American Company, in 1799, was merely conceding to them a part of the sovereignty, *or, rather, certain exclusive privileges of commerce.*

This is the most correct view of the subject. The Emperor Paul granted to the Russian-American Company certain exclusive privileges of commerce—exclusive with reference to other Russian subjects; but Russia had never before *asserted* a right of sovereignty over any part of the North American continent, and in 1799 the people of the United States had been at least for twelve years in the constant and uninterrupted enjoyment of a profitable trade with the natives of that very coast, of which the ukase of the Emperor Paul could not deprive them.

It was in this same year, 1799, that the Russian settlement at Sitka was first made, and it was destroyed in 1802 by the natives of the country. There were, it seems, at the time of its destruction three American seamen, who perished with the rest, and a new settlement at the same place was made in 1804.

In 1808, Count Romanzoff, being then minister of foreign affairs and of commerce, addressed to Mr. Harris, consul of the United States at St. Petersburg, a letter, complaining of the traffic carried on by citizens of the United States with the native islanders of the northwest coast, *instead* of trading with the Russian possessions in America. The count stated that the Russian Company had represented this traffic as *clandestine*, by which means the savage *islanders*, in exchange for otter skins, had been furnished with firearms and powder with which they had destroyed a Russian fort, with the loss of several lives. He expressly disclaimed, however, any disposition on the part of Russia to abridge this traffic of the citizens of the United States, but proposed a convention by which it should be carried on *exclusively* with the agents of the Russian-American Company at Kodiack, a small island near the promontory of Alaska, at least 700 miles distant from the other settlement at Sitka.

On the 4th of January, 1810, Mr. Daschkoff, chargé d'affaires and consul-general from Russia, renewed this proposal of a convention, and requested, as an alternative, that the United States should, by a legislative act, prohibit the trade of their citizens with the natives of the northwest coast of America, as *unlawful and irregular*, and thereby induce them to carry on the trade exclusively with the agents of the

Russian-American Company. The answer of the Secretary of State, dated the 5th of May, 1810, declines those proposals for reasons which were then satisfactory to the Russian Government, or to which, at least, no reply on their part was made. Copies of these papers, and of those containing the instructions to the minister of the United States then at St. Petersburg, and the relation of his conferences with the chancellor of the empire, Count Romanzoff, on this subject, are herewith inclosed. By them it will be seen that the Russian Government at that time explicitly declined the assertion of *any* boundary line upon the northwest coast, and that the proposal of measures for confining the trade of the citizens of the United States exclusively to the Russian settlement at Kodiack and with the agents of the Russian-American Company had been made by Count Romanzoff, under the impression that they would be as advantageous to the interests of the United States as to those of Russia.

It is necessary now to say that this impression was erroneous. That the traffic of the citizens of the United States with the natives of the northwest coast was neither *clandestine* nor unlawful nor irregular. That it had been enjoyed many years before the Russian-American Company existed, and that it interfered with no lawful right or claim of Russia.

This trade has been shared also by the English, French, and Portuguese. In the prosecution of it the English settlement of Nootka Sound was made, which occasioned the differences between Great Britain and Spain in 1789 and 1790, ten years before the Russian-American Company was first chartered.

It was in the prosecution of this trade that the American settlement at the mouth of the Columbia River was made in 1811, which was taken by the British during the late war, and formally restored to them on the 6th of October, 1818. By the treaty of the 22d of February, 1819, with Spain, the United States acquired all the rights of Spain north of latitude 42°; and by the third article of the convention between the United States and Great Britain, of the 20th of October, 1818, it was agreed that any country that might be claimed by either party on the northwest coast of America, westward of the Stony Mountains, should, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open, for the term of ten years from that date, to the vessels, citizens, and subjects of the two powers, without prejudice to the claims of either party or of any other State.

You are authorized to propose an article of the same import for a term of ten years from the signature of a joint convention between the United States, Great Britain, and Russia.

The right of the United States from the forty-second to the forty-ninth parallel of latitude on the Pacific Ocean we consider as unquestionable, being founded, first, on the acquisition by the treaty of February 22, 1819, of all the rights of Spain; second, by the discovery of the Columbia River, first from sea at its mouth, and then by land by Lewis and Clarke; and third, by the settlement at its mouth in 1811. This territory is to the United States of an importance which no possession in North America can be of to any European nation, not only as it is but the continuity of their possessions from the Atlantic to the Pacific Ocean, but as it offers their inhabitants the means of establishing hereafter water communications from the one to the other.

It is not conceivable that any possession upon the continent of North America should be of use or importance to Russia for any other purpose than that of traffic with the natives. This was in fact the inducement to the formation of the Russian American Company and to the charter granted them by the Emperor Paul. It was the inducement to the ukase of the Emperor Alexander. By offering free and equal access for a term of years to navigation and intercourse with the natives to Russia, within the limits to which our claims are indisputable, we concede much more than we obtain. It is not to be doubted that, long before the expiration of that time, our settlement at the mouth of the Columbia River will become so considerable as to offer means of useful commercial intercourse with the Russian settlements on the islands of the northwest coast.

With regard to the territorial claim, separate from the right of traffic with the natives and from any system of colonial exclusions, we are willing to agree to the boundary line within which the Emperor Paul had granted exclusive privileges to the Russian American Company, that is to say, latitude 55°.

If the Russian Government apprehend serious inconvenience from the illicit traffic of foreigners with their settlements on the northwest coast, it may be effectually guarded against by stipulations similar to those, a draft of which is herewith subjoined, and to which you are authorized, on the part of the United States, to agree.

As the British ambassador at St. Petersburg is authorized and instructed to negotiate likewise upon this subject, it may be proper to adjust the interests and claims of the three powers by a joint convention. Your full power is prepared accordingly.

Instructions conformable to these will be forwarded to Mr. Rush at London, with authority to communicate with the British Government in relation to this interest, and to correspond with you concerning it, with a view to the maintenance of the rights of the United States.

I am, etc.,

JOHN QUINCY ADAMS.

HENRY MIDDLETON,
Envoy Extraordinary and Minister Plenipotentiary of the United States, St. Petersburg.

[Inclosure to No. 16.]

Draft of treaty between the United States and Russia.

ART. I. In order to strengthen the bonds of friendship and to preserve in future a perfect harmony and good understanding between the contracting parties, it is agreed that their respective citizens and subjects shall not be disturbed or molested, either in navigating or in carrying on their fisheries in the Pacific Ocean or in the South Seas, or in landing on the coasts of those seas, in places not already occupied, for the purpose of carrying on their commerce with the natives of the country; subject, nevertheless, to the restrictions and provisions specified in the two following articles.

ART. II. To the end that the navigation and fishery of the citizens and subjects of the contracting parties, respectively, in the Pacific Ocean or in the South Seas, may not be made a pretext for illicit trade with their respective settlements, it is agreed that the citizens of the United States shall not land on any part of the coast actually occupied by Russian settlements, unless by permission of the governor or commander thereof, and that Russian subjects shall, in like manner, be interdicted from landing without permission at any settlement of the United States on the said northwest coast.

ART. III. It is agreed that no settlement shall be made hereafter on the northwest coast of America by citizens of the United States or under their authority, north, nor by Russian subjects, or under the authority of Russia, south of the fifty-fifth degree of north latitude.

(For other inclosures see American State Papers, Foreign Relations, Vol. V, pp. 436–438.)

Mr. Adams to Mr. Rush.

No. 70.] DEPARTMENT OF STATE,
Washington, July 22, 1823.

SIR: Among the subjects of negotiation with Great Britain which are pressing upon the attention of this Government is the present condition of the northwest coast of this continent. This interest is connected, in a manner becoming from day to day more important, with our territorial rights; with the whole system of our intercourse with the Indian tribes; with the boundary relations between us and the British North American dominions; with the fur trade; the fisheries in the Pacific Ocean; the commerce with the Sandwich Islands and China; with our boundary upon Mexico; and, lastly, with our political standing and intercourse with the Russian Empire.

By the third article of the convention between the United States and Great Britain of October 20, 1818, it is agreed that any "country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from the date of the signature of the convention, to the vessels, citizens, and subjects of the two powers; it being well understood that this agreement is not to be construed to the prejudice of any claims which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other power or state to any part of the said country, the only object of the high contracting parties in that respect being to prevent disputes and differences amongst themselves."

On the 6th of October, 1818, fourteen days before the signature of this convention, the settlement at the mouth of Columbia River had been formally restored to the United States by order of the British Government. (Message of the President of the United States to the House of Representatives, April 15, 1822, p. 13. Letter of Mr. Prevost to the Secretary of State of November 11, 1818.)

By the treaty of amity, settlement, and limits between the United States and Spain of February 22, 1819, the boundary line between them was fixed at the forty-second degree of latitude, from the source of the Arkansas River to the South Sea; by which treaty the United States acquired all the rights of Spain north of that parallel.

The right of the United States to the Columbia River and to the interior territory washed by its waters rests upon its discovery from the sea and nomination by a citizen of the United States; upon its exploration to the sea by Captains Lewis and Clarke; upon the settlement of Astoria, made under the protection of the United States, and thus restored to them in 1818; and upon this subsequent acquisition of all the rights of Spain, the only European power who prior to the

discovery of the river had *any* pretensions to territorial rights on the northwest coast of America.

The waters of the Columbia River extend by the Multnomah to the forty-second degree of latitude, where its source approaches within a few miles of those of the Platte and Arkansas, and by Clarke's River to the fiftieth or fifty-first degree of latitude; thence, descending southward, till its sources almost intersect those of the Missouri.

To the territory thus watered, and immediately contiguous to the original possessions of the United States, as first bounded by the Mississippi, they consider their right to be now established by all the principles which have ever been applied to European settlements upon the American hemisphere.

By the ukase of the Emperor Alexander of the 4th (16th) of September, 1821, an exclusive territorial right on the northwest coast of America is asserted as belonging to Russia and as extending from the northern extremity of the continent to latitude 51°, and the navigation and fishery of all other nations are interdicted by the same ukase to the extent of one hundred Italian miles from the coast.

When Mr. Poletica, the late Russian minister here, was called upon to set forth the grounds of right conformable to the laws of nations which authorized the issuing of this decree, he answered in his letters of February 28 and April 2, 1822, by alleging first discovery, occupancy, and uninterrupted *possession*.

It appears upon examination that these claims have no foundation in fact. The right of *discovery* on this continent claimable by Russia is reduced to the probability that in 1741 Captain Tchirikoff saw from the sea the mountain called St. Elias, in about the 59th degree of north latitude. The Spanish navigators as early as 1582 had discovered as far north as 57° 30′.

As to occupancy, Captain Cook in 1779 had the express declaration of Mr. Ismaeloff, the chief of the Russian settlement at Onalashka, that they *knew nothing* of the continent in America; and in the Nootka Sound controversy between Spain and Great Britain it is explicitly stated in the Spanish documents that Russia had disclaimed all pretension to interfere with the Spanish exclusive rights to *beyond* Prince Williams Sound, latitude 61°. No evidence has been exhibited of any Russian settlement on this continent south and east of Prince Williams Sound to this day, with the exception of that in California, made in 1816.

It never has been admitted by the various European nations which have formed settlements in this hemisphere that the occupation of an island gave any claim whatever to territorial possessions on the continent to which it was adjoining. The recognized principle has rather been the reverse, as, by the law of nature, islands must be rather considered as appendages to continents than continents to islands.

The only color of claim alleged by Mr. Poletica which has an appearance of plausibility is that which he asserts as an authentic fact: "That in 1789 the Spanish packet *St. Charles*, commanded by Captain Haro, found in the latitude 48° and 49° Russian settlements to the number of eight, consisting, in the whole, of twenty families and 462 individuals." But more than twenty years since Heurieu had shown, in his introduction to the voyage of Marchaud, that in this statement there was a mistake of at least ten degrees of latitude, and that instead of 48° and 49° it should read 58° and 59°. This is probably not the only mistake in the account. It rests altogether upon the credit of two pri-

vate letters—one written from San Blas and the other from the City of Mexico, to Spain—there communicated to a French consul in one of the Spanish ports, and by him to the French minister of marine. They were written in October, 1788, and August, 1789. We have seen that in 1790 Russia explicitly disclaimed interfering with the exclusive rights of Spain to *beyond* Prince William's Sound in latitude 61°; and Vancouver, in 1794, was informed by the Russians on the spot that their most *eastern* settlement there was on Hitchinbrook Island, at Port Etches, which *had been established in the course of the preceding summer*, and that the adjacent continent was *a sterile and uninhabited country*.

Until the Nootka Sound contest Great Britain had never advanced any claim to territory upon the northwest coast of America by right of occupation. Under the treaty of 1763 her territorial rights were bounded by the Mississippi.

On the 22d of July, 1793, Mackenzie reached the shores of the Pacific by land from Canada, in latitude 52° 21′ north, longitude 128° 2′ west of Greenwich.

It is stated in the 52d number of the Quarterly Review, in the article upon Kotzebue's voyage, "that the whole country, from latitude 56° 30′ to the boundary of the United States, in latitude 48° or thereabouts, is now and has long been in the actual possession of the British Northwest Company;" that this company have a post on the borders of a river in latitude 54° 30′ north, longitude 125° west, and that in latitude 55° 15′ north, longitude 129° 44′ west, "by this time (March, 1822) the United Company of the Northwest and Hudson's Bay have, in all probability, formed an establishment."

It is not imaginable that, in the present condition of the world, *any* European nation should entertain the project of settling a *colony* on the northwest coast of America. That the United States should form establishments there, with views of absolute territorial right and inland communication, is not only to be expected, but is pointed out by the finger of nature, and has been for many years a subject of serious deliberation in Congress. A plan has for several sessions been before them for establishing a territorial government on the borders of the Columbia River. It will undoubtedly be resumed at their next session, and even if then again postponed there cannot be a doubt that in the course of a very few years it must be carried into effect.

As yet, however, the only useful purpose to which the northwest coast of America has been or can be made subservient to the settlements of civilized men are the fisheries on its adjoining seas and trade with the aboriginal inhabitants of the country. These have hitherto been enjoyed in common by the people of the United States, and by the British and Russian nations. The Spanish, Portuguese, and French nations have also participated in them hitherto, without other annoyance than that which resulted from the exclusive territorial claims of Spain, so long as they were insisted on by her.

The United States and Great Britain have both protested against the Russian imperial ukase of September 4 (16), 1821. At the proposal of the Russian Government, a full power and instructions are now transmitted to Mr. Middleton, for the adjustment, by amicable negotiation, of the conflicting claims of the parties on this subject.

We have been informed by the Baron de Tuyll that a similar authority has been given on the part of the British Government to Sir Charles Bagot.

Previous to the restoration of the settlement at the mouth of Columbia River in 1818, and again upon the first introduction in Congress of the plan for constituting a Territorial government there, some disposition was manifested by Sir Charles Bagot and by Mr. Canning to dispute the *right* of the United States to that establishment, and some vague intimation was given of British claims on the northwest coast. The restoration of the place and the convention of 1818 were considered as a final disposal of Mr. Bagot's objections, and Mr. Canning declined committing to paper those which he had intimated in conversation.

The discussion of the Russian pretensions in the negotiation now proposed necessarily involves the interests of the three powers, and renders it manifestly proper that the United States and Great Britain should come to a mutual understanding with respect to *their respective* pretensions, as well as upon their joint views with reference to those of Russia. Copies of the instructions to Mr. Middleton are, therefore, herewith transmitted to you, and the President wishes you to confer freely with the British Government on the subject.

The principles settled by the Nootka Sound convention of October 28, 1790, were—

1st. That the rights of fishery in the South Seas, of trading with the natives of the northwest coast of America, and of making settlements on the coasts itself for the purpose of that trade, north of the *actual* settlements of Spain, were common to all the European nations, and of course to the United States.

2d. That so far as the actual settlements of Spain had extended, she possessed the exclusive rights, territorial, and of navigation and fishery, extending to the distance of ten miles from the coasts so *actually occupied*.

3d. That on the coasts of *South America*, and the adjacent islands *south* of the parts already occupied by Spain, no settlement should thereafter be made either by British or Spanish subjects, but on both sides should be retained the liberty of landing, and of erecting temporary buildings for the purposes of the fishery. These rights were also, of course, enjoyed by the people of the United States.

The exclusive rights of Spain to any part of the American continents have ceased. That portion of the convention, therefore, which recognizes the exclusive colonial rights of Spain on these continents, though confirmed as between Great Britain and Spain, by the first additional article to the treaty of the 5th of July, 1814, has been extinguished by the fact of the independence of the South American nations and of Mexico. Those independent nations will possess the rights incident to that condition, and their territories will of course be subject to no *exclusive* right of navigation in their vicinity, or of access to them by any foreign nation.

A necessary consequence of this state of things will be that the American continents henceforth will no longer be subjects of colonization. Occupied by civilized independent nations, they will be accessible to Europeans and to each other on that footing alone, and the Pacific Ocean in every part of it will remain open to the navigation of all nations, in like manner with the Atlantic.

Incidental to the condition of national independence and sovereignty, the rights of anterior navigation of their rivers will belong to each of the American nations within its own territories.

The application of colonial principles of exclusion, therefore, can not be admitted by the United States as lawful upon any part of the northwest coast of America, or as belonging to any European nation. Their own settlements there, when organized as territorial governments, will be adapted to the freedom of their own institutions and, as constituent parts of the Union, be subject to the principles and provisions of their constitutions.

The right of carrying on trade with the natives throughout the northwest coast they can not renounce. With the Russian settlements at Kodiac, or at New Archangel, they may fairly claim the advantage of a free trade, having so long enjoyed it unmolested, and because it has been and would continue to be as advantageous at least to those settlements as to them. But they will not contest the right of Russia to prohibit the traffic, as strictly confined to the Russian settlement itself, and not extending to the original natives of the coast.

If the British Northwest and Hudson's Bay Companies have any posts on the coast, as suggested in the article of the Quarterly Review above cited, the third article of the convention of October 20, 1818, is applicable to them. Mr. Middleton is authorized by his instructions to propose an article of similar import, to be inserted in a joint convention between the United States, Great Britain, and Russia, for a term of ten years from its signature. You are authorized to make the same proposal to the British Government, and, with a view to draw a definite line of demarcation for the future, to stipulate that no set tlement shall hereafter be made on the northwest coast or any of the islands thereto adjoining by Russian subjects south of latitude 55°, by citizens of the United States north of latitude 51°, or by British subjects either south of 51° or north of 55°. I mention the latitude of 51° as the bound within which we are willing to limit the future settlement of the United States because it is not to be doubted that the Columbia River branches as far north as 51°, although it is most probably not the Taconesche Tesse of Mackenzie. As, however, the line already runs in latitude 49° to the Stony Mountains, should it be earnestly insisted upon by Great Britain, we will consent to carry it in continuance on the same parallel to the sea. Copies of this instruction will likewise be forwarded to Mr. Middleton, with whom you will freely, but cautiously, correspond on this subject, as well as in relation to your negotiation respecting the suppression of the slave trade.

I have the honor to be, with great respect, sir, your very humble, obedient servant,

JOHN QUINCY ADAMS.

Mr. Middleton to Mr. Adams.

No. 29.] ST. PETERSBURG, *September 19, 1823.*

SIR: I have the honor to acquaint you that Count Nesselrode, on the morning of the day in which he left St. Petersburg for Odessa, addressed me the note of which copy is herewith sent. He mentioned to me some days previously having had advices from Baron Tuyll,

intimating that the negotiation upon the subject of the ukase of September 4 (16), 1821, would be transferred to this place.

Sir Charles Bagot likewise has communicated to me instructions he has received from his Government, in which a *joint* negotiation appears to be in contemplation of the British minister. Sir Charles at the same time informed me that Mr. Canning eagerly caught at the proposition of Mr. Rush going to that effect; and that instructions from you, correlative to those of the British Government, would undoubtedly be sent me. I have told him that I do not as yet know anything of the intentions of my Government upon that head, having received no dispatch from the Department of State later than that brought by Mr. Pinkney. Upon Sir Charles's expressing his wish to be informed respecting the actual state of the *northwest* question between the United States and Russia, so far as it might be known to me, I saw no objection to making a *confidential* communication to him of the note of Count Nesselrode, dated August 1, 1822, by which, in fact, staying the execution of the ukase above mentioned, Russia has virtually abandoned the pretensions therein advanced. I learned in this conversation with the British ambassador that up to that time he had done nothing upon the subject further than telling Count Nesselrode that Great Britain would probably at some future day feel obliged to object to some of the provisions of this ukase. The reply made to him was that in such case the matter must be made the subject of a negotiation.

I am in daily expectation of learning what arrangements the President may have been pleased to direct. Mr. Poletica, who is charged by the Imperial Government with the laboring oar upon this occasion, is not unfrequently inquiring whether there are yet any instructions received which might authorize the conferences invited by Count Nesselrode.

I have the honor to be, sir, very faithfully, your obedient servant,

HENRY MIDDLETON.

[Inclosure to No. 29.—Translation.]

Count Nesselrode to Mr. Middleton.

ST. PETERSBURG, *August 22, 1823.*

SIR: On quitting St. Petersburg the Emperor charged me to announce to you that as he had given me orders to follow him on his journey he had authorized Mr. Poletica, actual counsellor of state, to begin with you, sir, the conferences relative to the differences which have arisen between Russia and the United States in consequence of the new regulation given to the Russian American Company by the ukase of his Imperial Majesty dated September 4 (16), 1821.

These conferences will have for their aim to prepare the way for the definitive adjustment of these differences, and I doubt not they will facilitate this result so eagerly desired by the Emperor.

I seize with pleasure the occasion which is offered to me of repeating to you, sir, the assurance of my most distinguished consideration.

NESSELRODE.

Extract of a letter from Mr. Middleton to Mr. Adams.

No. 32.] ST. PETERSBURG, *November 1 (13), 1823.*

Shortly after the receipt of the instructions contained in No. 16 I had several conferences with Mr. Poletica, as well as with Sir Charles

Bagot, upon the subject referred to in that despatch. I found that the first named of these gentlemen had no powers to *conclude* anything, and that he was merely authorized to hold *des pour parlers*, in other words, to discuss the matter. I very soon discovered, too, that a very great divergence of opinion between him and me upon all points relative to the Northwest question must render fruitless all attempts at coming to an understanding *with him*. I was not sorry, therefore, when an incident enabled me to decline further conference until it could be renewed with a better prospect of success. Sir Charles, upon referring to his full power, of which a copy is herewith sent, discovered that it had only relation to the maritime question. It became necessary, then, to remedy this before he could proceed in the business; and accordingly a special messenger was despatched by him for the purpose of obtaining the requisite full powers. I availed myself of the circumstances to decline further conference with Mr. de Poletica, and all proceedings remain suspended until an answer to Sir Charles's despatches can be received, which may be expected about the middle of December. I am hopeful, from the conversations I have had with him, that a perfect understanding respecting the common objects desirable to be attained by the two countries in this negotiation will be effected through him. In the meantime I have prepared a confidential memoir upon the Northwest question, to be ready against the return of the Emperor.

Extract of a letter from Mr. Middleton to Mr. Adams.

No. 33.] ST. PETERSBURG, *December 1 (13), 1823.*

I have prepared, and shall deliver in on the first fit occasion, for His Imperial Majesty's inspection, a confidential memoir on the Northwest question, and I now forward a copy of it, marked (*a*). The subject must be trite to you; but I have found here that it is indispensable to make some statement of facts and principles in this case before I can proceed further in the negotiation. I hope you will approve of the course I am pursuing and that you will find that I have stated correctly both facts and principles. I felt it to be necessary to broach the subject in this mode, knowing the erroneous impressions which prevail. I have now great hopes, notwithstanding the unfavorable appearances which this affair has worn for a few weeks past, that it may take a new turn and that I may yet be enabled to succeed in attaining the main objects of the negotiation.

Sir Charles Bagot is now daily expecting the return of his messenger with new powers and instructions respecting the same matters. I mentioned in my last, and I now repeat, that I have a reasonable expectation that he will be instructed to pursue the course of policy so obviously pointed out by the true interests of England and suggested by a sense of the propriety of *being consistent*, and of persevering in the principles which marked the Nootka Sound contestation. Neither he nor I foresee any difficulty in reconciling and adjusting the interests of our respective countries upon this question.

[Inclosure fo No. 33.—Translation.]

CONFIDENTIAL MEMORIAL.

"Great men never fear the truth, and wish nothing to be concealed from them."—(*Montesquieu.*)

Observations upon the rights and claims of Spain, of Russia, of England, and of the United States, relative to the west coast of North America; and upon the ukase of September 4 (16), 1821.

The part of the New World situated towards the north of the great ocean has been explored and known very much later than any other portion of the same continent in the torrid and temperate zones, by reason of its greater distance from Europe, whose navigators can only arrive thither by doubling Cape Horn or that of the Good Hope.

Yet Spain, about the end of the sixteenth century, and in the course of the seventeenth, had pushed her discoveries even in these remote regions; and already, in 1692, claimed the exclusive property of the coasts which she had there discovered, in virtue of grants made by an authority respected at the time, and which continued to be so until she acquired the right of prescription over these possessions.

About this last time, but a little later, in 1697, the Russians penetrated by Siberia as far as Kamtschatka; and from thence, embarking at the ports of Okhotsk and Avatcha, between the years 1710 and 1741, they pushed their discoveries in the northern latitudes of the great ocean. From these discoveries Russia derives her rights to that long chain of islands intervening between the western and the eastern continents, and even to a very considerable portion of the continent of America—rights which have never been contested.

Although the navigators of England, from Drake, in 1578, to Cook and Vancouver—that is, for more than two centuries—had frequently visited these coasts, either to make discoveries there or for trade, yet she never announced having any pretensions there whatever until in the year 1790, when a very sharp dispute broke out with Spain relative to Nootka Sound.

The summary of what passed between the courts of England, Spain, and Russia at the time of the discussion of that question may serve to throw light upon the respective pretensions of these powers.

This difference arose from the seizure of an English vessel from Macao to trade for peltries. After the discoveries of Cook, in 1778, Nootka began to be considered as the principal market for furs of the northwest coast of America, and the enormous profits of this trade had, after some time, brought thither a great number of European and American navigators.

The court of Madrid, fearing lest the English or Russians should attempt to fix themselves at Nootka, had given order to form an establishment there. Mr. Martinez, charged with that order, arrived in this port on the 5th of May, 1789. He found there in fact one English ship, one Portuguese, and two American. He seized all four. Two months after the English ship *Argonaut* arrived, under the command of Captain Colnet. He imparted to the Spanish commander the order of his Government, of which he was the bearer, to establish a factory at that place, and there to build a frigate and a schooner, in order henceforth to prevent every other European nation from taking part in the fur trade.

Martinez represented in vain that, long before Cook, Perez had first anchored in this port. The dispute grew warm between the two officers, and Martinez, to make good his title of priority, caused to be arrested Colnet, and sent him prisoner to San Blas.

It is unnecessary to the object of these observations to pursue the discussion which took place between the courts of London and Madrid in consequence of the act of Martinez. It will be sufficient to refer to note (*a*) for some particulars of this subject and to cite here the letter of Count Fernan Nunez to M. de Montmorin, secretary of the department of foreign affairs of France, under date of June 15, 1790:

"I have the honor of addressing to you below a faithful extract of all the transactions between my court and that of London on the subject of the detention of two English ships, which were seized in the bay of St. Lawrence or Nootka, situated to the north of California, under the 50th degree of latitude.

"By this relation you will be enabled to judge, 1st, that by treaties, boundary lines, taking possession, and by all the most decided acts of sovereignty exercised by the Spaniards upon these regions from the reign of Charles II, and authorized by that monarch in 1692, the proofs of which will be produced in the course of this negotiation, all the northwest coast of America on the side of the Pacific Ocean, as

far as to the other side of what is called Prince William Sound, under the 61st degree of latitude, is recognized as belonging exclusively to Spain; 2dly, that the court of Russia, having had knowledge of this extent of our limits, did not hesitate to give assurances to the King, my master, of the purity of his intentions on this subject, and added that he regretted exceedingly that the repeated orders given to prevent the violation of the territory of a foreign power by the subjects of Russia had been disobeyed."

It is proved by the pieces produced in this discussion that the claims of Spain extended to the other side of Prince William Sound, situated in the 61st degree of north latitude; and that the court of Russia, having had information of the extent of these limits, has declared that she had no intention of opposing it; that she had even added expressions of regret that her repeated orders to prevent the violation of the territory of Spain by Russian subjects should have been disobeyed.

It is then demonstrated that Russia in the year 1790 was far from forming any territorial claim for herself upon the continent of North America on this side of the 61st degree of north latitude.

The principle upon which England insists is, that the Northwest coast of America, north of the actual establishments of Spain, ought not to be deemed to belong exclusively to *any* European.

Thus England did not, like Russia, admit the exclusive claims of Spain as far as the 61st degree; and it appears that, in consequence, she took for the basis of her stipulations in the treaty of the 28th of October, 1790, the principle that the rights of freely navigating and fishing in the Pacific Ocean, and of trading with the natives of the coast, by landing in the unoccupied places and there making establishments, are common to all nations. The 5th article, moreover, stipulates that in all parts of the Northwest coast of North America, or of the adjacent islands, situated to the north of the parts of said coast occupied by the Spaniards before the month of April, 1789, as well in the places restored as in those where the subjects of one of the two powers shall come to form establishments, the subjects of the other shall have free access, and shall carry on their trade without trouble or molestation. Besides, several other articles of immediate interest to the two nations, but which involve no general principle, were agreed on.

From what precedes, it will be readily perceived what was the relative position of the three powers in their claims upon the Northwest coast of America in the year 1790. Russia confined herself on the other side of the 60th degree of north latitude, whilst Spain and England had conventionally fixed their respective rights in all the parts of the Northwest coast situated from the last establishments of Spain to the south of Cape Mendocino, to the 60th degree, inclusive.

Nine years after the Emperior Paul granted to the Russian American Company (see note *b*) certain exclusive privileges of commerce on these coasts as far as the 55th degree of north latitude (see note *c*), *exclusive*, it must be believed, in respect *to other Russian subjects* simply, for Russia had never claimed sovereignty of the part of this coast situated on this side of the 60th degree, to which, on the contrary, she had recognized the rights of Spain; and in the year 1799 several nations, and especially the United States of America, for more than twelve years had pursued a free and uninterrupted trade with the natives of this coast, from which, consequently, the ukase of that State neither ought nor could exclude them.

It is difficult to be convinced of the fact that such was the intention of the ukase when attention is paid to the declaration of Russia (known to all Europe) of which we have made mention before.

Yet, to be enabled to judge if the claim of having exclusive rights upon all the coast, even to the 55th degree, could be justified by facts, it may be useful to take a hasty review of the discoveries of Russia in the *Eastern* Ocean as to them, and, for this purpose, let us refer to note *d*, partly extracted from the work of M. Levesque.

It appears by this extract that Behring and Tschirikoff are the only Russian navigators who touched at the continent of America, on this side of the 60th degree, previous to the year 1790; and it is even on this sole circumstance that a foundation was made for forming a claim to the discovery and the possession of this coast. It is alleged "that in 1789 the Spanish packet San Carlos, commanded by Captain de Haro, found, in latitude 48° to 49°, Russian establishments to the number of eight, making in all twenty families, or 468 individuals." But it may be answered, that it is more than twenty years since M. de Fleurieu demonstrated, in the learned historical introduction to the voyage of Captain Marchaud, that there must be in this recital an error of ten degrees of latitude at least, and that, instead of 48° to 49°, it ought to read 58° to 59°. It is even very probable that that is not the only error which is in the relation, for that story originates from two private letters, the one written from San Blas, the other from Mexico, communicated to a French consul in

one of the ports of Spain, and by him to the minister of marine in France. The dates are, October, 1788, and August, 1789. Now, we have just seen that in the following year Russia confirmed the rights of Spain as far as the other side of Prince William's Sound, in the latitude 61 degrees. It can scarcely, then, be necessary to lay more stress upon the trifling importance of the alleged circumstance.

It appears that Tschirikoff never landed, but having approached the coast without knowing if it were the continent or an island, and having successively sent his long boat, and then his canoe, he lost both, together with the men who were in them, whom he believed to be massacred by the natives of the country, and then he returned to Kamtschatka. Behring, on his part, discovered and examined the bay (strait) which bears his name.

Captain Vancouver learned, in 1794, from the Russians themselves, upon the spot, that their most easterly establishment was then at port Eches, in *Hinchin Brook* island (*Tchatcha* island of the Russians, and *Magdalena* of the Spaniards, in latitude 60° 25′), where they were established the preceding summer, and that *the continent* in the vicinity of that place was barren and *uninhabited*.

From these facts, incontestibly proved by historical documents, an irresistible conclusion follows, which agrees with the declaration of Russia in 1790; and it ought to appear definitive that she had no right to claim, either under the title of discovery or of possession, *on the continent* east or south of Behring's Strait, about the 60th degree of north latitude.

Moreover, the note (*e*) on the diplomatic communications between the Government of the United States and Russia, on this subject, will make known what were the ideas of the Imperial minister during the year 1810. It will be perceived, by the recital of what passed in the conferences of September and October of that year, that the Imperial Government was then undecided what side it should have taken definitively, for foreign commerce, on the northwest coast, either Russian or Spanish, of North America. It will also be remarked that the Government of the United States had, till then, principally insisted on the difficulty of pronouncing in a case where Spain ought to have claims. This scruple proves, at least, how attentive it was not to do prejudice to the right of a third.

In expectation of the decision which thus remained in suspense the commerce of the United States increased very considerably in these latitudes. It is easy to prove, even by the authority of Russian voyagers, what the extent of this commerce was. Among others, M. Lisianski had remarked, from the year 1804, that the Russians could collect as many as eight thousand otters' skins annually, in the bay of Sitka, if they had the means of excluding the Americans from this trade, whilst at that time they only took from thence about three thousand. (See page 236, English edition.) It will be sufficient to add that in the last years there has been sent from the ports of the United States, in the season for trade on the northwest coast, as many as seventeen merchant vessels, which are for the most part in the habit of trading in China with the cargoes which they obtain on this coast and in the islands of the Pacific Ocean.

It is now time to consider what can be the foundations of the territorial claims of the United States of America upon the northwest coast of their continent. Their bordering position to one part of that coast gives them a much greater importance for themselves than for any of the powers of Europe. The territory situated west of the ancient provinces of the United States presents to them contiguity of possessions from the Atlantic to the Pacific Ocean, and will afford their inhabitants the means of establishing communications of internal navigation from the one sea to the other.

The two ships which had been seized by Martinez were released by him to continue the navigation which they had attempted around the globe. During this voyage the sloop Columbia anchored the first in a great river, which had been but imperfectly discovered by Quadra, and which Vancouver was unable to find again, but which is since known under the name of Columbia. An establishment has been since formed at its mouth, under the protection of the United States, whose Government has also sent by land for the same destination a military expedition under the command of Captains Lewis and Clarke. These officers have visited and explored the country surrounding this river and its tributaries, and have published a chorographical account of it.

During the last war between the United States and Great Britain the fort situated at the mouth of the river was given up to the English, but they afterwards restored it to the United States, under the stipulation of the first article of the treaty of peace.

To the rights acquired by that possession, situated on the coast of the continent under 46° 15′ of north latitude, and contiguous to their ancient territory, the United States have joined those which they derive from the treaty of limits with Spain, signed at Washington, February 22, 1819. By the third article of this treaty His

Catholic Majesty cedes to the United States all his rights, claims, and pretensions to the territories situated to the north of the 42d parallel of latitude, from the source of the river Arkansas to the great ocean.

It may be useful to remark here that the establishment at Nootka has been abandoned both by Spain and by England; and that it appears probable that these two nations have not now any possession upon the northwest coast between the 42d and the 60th degrees of north latitude.

The Russians have an establishment upon the *island of Sitka*,[a] in latitude 57° 50′. This fort, built in 1799, was destroyed three years after by the natives of the country, and reestablished in 1804 by Mr. Lisianski, who called it New Archangel. Russia can not, however, avail herself of the circumstance of that possession to form a foundation for rights *upon the continent*, the usage of nations never having established that the occupation of an island could give rights upon the neighboring continent. The principle is, rather, that the islands ought to be considered as dependent upon the continent, than the inverse of the proposition.

It appears, then, that the position of Russia relative to her rights upon the northwest coast of America had not at all changed since 1790. The Russian-American Company had enjoyed its exclusive rights granted by the Emperor Paul. It had prospered and formed an establishment in the limits marked out by the ukase of 1799. It had, however, never pretended to exclude other nations from a commerce shared with them for so long a time; but it saw with jealousy its profits diminished by this rivalship. In fine, it took a violent part, and at length obtained by its solicitations the ukase of 4th (16th) September, 1821.

In speaking of this measure, we shall make it our business to say nothing but what appears strictly necessary to set it in its true light, convinced, as we are, that the enlightened Government from whence it emanates will listen with good will to observations conceived with the intention of obtaining nothing but what is just in itself and useful to all interested.

The ukase, by its first three articles, under the form of a grant to a private association, presupposes the existence of exclusive territorial rights (a pretension unknown till now) on a great extent of continent, with the intervening islands and seas, and it forbids all foreign nations from approaching nearer them than one hundred Italian miles to these coasts. The ukase even goes to the shutting up of a strait which has never been till now shut up, and which is at present the principal object of discoveries interesting and useful to the sciences.

The very terms of the ukase bear that this pretension has now been made known for the first time.

The following sections relate to the seizure of vessels, and to the proceedings before the tribunals against those who infringe the regulation, and might furnish remarks worthy of attention as to the right of visit against ships in times of peace, permitted even to merchant vessels, as well as upon other points. But it is thought better to pass over these matters as simply accessories to the principal point. Nothing is intended but first to know if the vast territory contained in the limits marked out by the ukase is, in fact, incorporated with the Empire of Russia upon admissible principles.

All jurists are agreed upon the principle that real occupation only can give the rights to the property and to the sovereignty of an unoccupied country newly discovered. (See note *f*.)

With all the respect which we owe to the declared intention and to the determination indicated by the ukase, it is necessary to examine the two points of fact: 1st, if the country to the south and east of Behring's Strait as far as the 51st degree of north latitude is found strictly unoccupied; 2d, if there has been latterly a real occupation of this vast territory.

We have already seen in the summary of the dispute between England and Spain what was the decision of Russia upon the first point. It cannot be necessary for us to repeat it.

As to what regards the real occupation, one may be convinced, on having recourse to the charts officially published by the Russian Government, that the only establishment on this side of the 60th degree is that which is found on the island of Sitka, situated under 57° 30′ of latitude, and consequently more than six degrees from the southern limit fixed by the ukase.

The conclusion which must necessarily result from these facts does not appear to establish that the territory in question had been legitimately incorporated with the Russian Empire.

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[a] The Tchinkitane of the Indians in the *Bay of Guadalupe* of the Spaniards in 1775, and the *Norfolk Bay* of the English of 1787.

The extension of territorial rights to the distance of a hundred miles from the coasts upon two opposite continents, and the prohibition of approaching to the same distance from these coasts, or from those of all the intervening islands, are innovations in the law of nations and measures unexampled. It must thus be imagined that this prohibition, bearing the pains of confiscation, applies to a long line of coasts, with the intermediate islands, situated in vast seas, where the navigation is subject to innumerable and unknown difficulties, and where the chief employment, which is the whale fishery, cannot be compatible with a regulated and well-determined course. (See note *g*.)

The right cannot be denied of shutting a port, a sea, or even an entire country against foreign commerce in some particular cases. But the exercise of such a right, unless in the case of a colonial system already established, or for some other special object, would be exposed to an unfavorable interpretation, as being contrary to the liberal spirit of modern times, wherein we look for the bonds of amity and of reciprocal commerce among all nations being more closely cemented.

Universal usage, which has obtained the force of law, has established for all the coasts an accessory limit of a moderate distance, which is sufficient for the security of the country and for the convenience of its inhabitants, but which lays no restraint upon the universal rights of nations nor upon the freedom of commerce and of navigation. (See Vattel, B. I, chap. 23, sec. 289.)

In the case where this territorial limit would be insufficient, it is always allowable to make to it the augmentations which may be desired, by the way of diplomacy, in concluding treaties with the nations that might be found interested in it, the only means of reconciling them to the species of constraint which must necessarily result in this case to the maritime powers.

The only object of these observations is to induce a reconsideration of all this question, in general, on the part of the Russian Government, whose just and reasonable disposition can not be doubted, and to prevail upon it to adopt the measures which its wisdom shall point out to it as most proper to mitigate the inconveniences which arise to foreign nations from the decree on the privileges of the Russian American Company.

NOTE (e).[a]

Abstract of diplomatic communications between the United States and Russia on the subject of the trade of the northwest coast.

Count Romanzoff, minister of foreign affairs and of commerce, acquainted the chargé d'affaires of the United States at St. Petersburg, in the year 1808, "that the American Company had represented to him that the ships of the United States, instead of trading with the Russian possessions in America, went thither to carry on a clandestine traffic with the savages, to whom they furnished, in exchange for otters' skins, firearms and powder, the use of which, till then unknown to these *islanders*, had been in their hands very hurtful to the subjects of His Imperial Majesty; and that the citizens of the United States had become themselves the victims of the imprudent speculation of their countrymen." (His excellency doubtless meant to speak of the destruction of the Russian fort at Sitka, in 1801, of which Mr. Lisianski gives the account in his voyage from 1803 to 1806.) His excellency requests the chargé d'affaires to make known these *established facts* to his Government and to call its serious attention to them, adding "that the care it takes of becoming distinguished by the scrupulous combination of its interests with those of other powers, and its respect for the law of nations, excite the hope that this *illicit* traffic will meet with its disapprobation, and that rigid orders will put a stop to it."

The chargé d'affaires of America, in acknowledging the receipt of this note, promised to convey information of the reclamation to his Government.

Mr. Daschkoff, chargé d'affaires of His Imperial Majesty, renewed, under date of January 4, 1810, the same representation to the Government of the United States at Washington; and he proposed as a remedy the medium of a regulation of the Government of the United States which should forbid to their citizens all commerce with the natives of the northwest coast of America, and which should confine them to trade with the Russian factories in the said latitudes; in a word, he solicited a law of the United States, or a convention between the two Governments, to declare all commerce with the natives of the country to be contraband. This negotiation was put off to another time, Mr. Daschkoff not being authorized to fix a latitude which might serve as a line of demarkation to American vessels that might trade on these coasts;

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[a] See American State Papers, Foreign Relations, Vol. V, pp. 453–457, for notes omitted.

and it appears by his letter of April 24, 1810, that he "was under the necessity of waiting as long as he could to receive correct information of the *geographical situation* of the Russian establishments."

The Government of the United States answered him, under date of May 5, 1810, that it would afford the President the utmost satisfaction to come to an equitable arrangement for the commerce of the United States with the natives in the Russian establishments; but that, the instructions of Mr. Daschkoff not having authorized him to fix a precise line of demarkation, the definitive arrangement of this question was not at present possible; but that if this obstacle were even removed by the full powers of his Government, others of a very delicate nature would present themselves to it.

That on the supposition that the natives of the country should be found under the jurisdiction of Russia, the United States would have only to abandon their merchants to the penalties incurred by those who carry on a contraband trade in a foreign jurisdiction; that if, on the contrary, the natives ought to be regarded as independent tribes, Russia could not prohibit foreigners from trading with them, unless in contraband of war and in time of war, in which case she can herself put in execution the prohibition on the open sea.

The same rule may be applicable if the natives are considered as rebels or insurgents against the authority of Russia. Considering the subject in this point of view, it would be difficult for the United States, notwithstanding their constant desire of giving proofs of their friendship and of their respect toward his Imperial Majesty, to receive this proposition by recognizing such a state of things, since, in pronouncing upon opposite pretensions, they might expose themselves with Spain, whose rights upon the northwest coast of America extended to the south of the establishments of Russia; and, in fine, that if such an arrangement should be proposed to Congress it would still want there the basis of reciprocity. In expressing the sentiments of the Government of the United States, the Secretary of State added the expression of the desire that it might be found conformable to the benevolent and magnanimous intentions of His Imperial Majesty to favor the commerce of the United States, as well with the natives of the country as with the Russian establishments in these latitudes, in all the objects which may not be of a nature to be prejudicial to either.

In the month of September, 1810, his excellency Count Romanzoff, in a conference with Mr. Adams, minister of the United States at St. Petersburg, explained to him his ideas on the commerce of the northwest coast of America. His excellency observed that Russia had establishments on this coast from which a very advantageous trade with China might be carried on; that the Imperial Government had sent thither two ships, under the command of Captain Krusenstern, who had proceeded from thence to China; that, although the port of Canton be open to all the European nations, the Chinese had refused to admit the ship of Captain Krusenstern, under the pretext that the Russians had for a long time enjoyed the advantage of an exclusive privilege of trade by land at Kiachta, and that they were pursuaded that if the Russians had had the intention of changing the route of their trade they would have mentioned it beforehand. Count Romanzoff wished, for these reasons, that the trade of the Russian establishments in these parts with China might be carried on by the intervention of American ships; and as these establishments were in the vicinity of the natives of the country, a race of men ferocious and dangerous, he thought an arrangement possible with the United States by which they might enjoy the trade of the establishments, under the restriction of not furnishing arms and munitions of war to the natives in the neighborhood of these establishments.

Upon Mr. Adams observing that he would wish to know what were the limits in which the restriction would operate, his excellency replied that this point required deliberation, but that the Russian charts represented the whole coast to the mouth of Columbia River as comprehended in their possessions.

In a second conference, in the month of October following, Mr. Adams mentioned in detail the difficulties which opposed an arrangement of the nature of that which his excellency the minister of trade wished, who finally appeared to agree that reciprocity, at least, was wanting to the restrictions which were demanded; and as to what regards the privilege granted for them, namely, the trade with the Russian establishments, it was evident that it did, in fact, already exist (and it may be added, by way of parenthesis, that it was a trade without which the very existence of the Russian colonies had been often exposed).

Besides, his excellency has not raised objections to the continuation of the trade of American vessels with the coasts in the neighborhood of the Russian establishments; he had even declared that this commerce was open to all friendly nations; he had only insisted on the inconveniences which resulted from their having furnished fire-

arms and powder to the natives. In fine, his excellency observed that, as to what regarded the fixing of a limit to the Russian territories, the measure presented great difficulties at the moment, and that it would be better to defer this fixing to a future time, in order to avoid possible collisions and every pretext of discontent and jealousy, for, in the present state of the world, the most ardent wish of his heart was to bring all the civilized nations to pacific dispositions and to avoid everything which might be capable of sowing discord.

Mr. Adams saw, about the same time, the memorials of the Russian-American Company, in which a territorial claim was advanced as far as the mouth of Columbia River.

Mr. Rush to Mr. Adams.

No. 353.] LONDON, *December 19, 1823.*

SIR: Since I last wrote, Mr. Canning has been confined to his house by a sharp attack of gout; nevertheless, he wrote me a note the day before yesterday inviting me to call upon him on that day for the purpose of having our proposed conference on the topic of the Northwest coast. I went accordingly and was received by him in his chamber.

He repeated his wish to learn from me our general grounds upon this subject preparatory to his sending off instructions to Sir Charles Bagot.

I at once unfolded them to him by stating that the proposals of my Government were, first, that as regarded the country lying between the Stony Mountains and the Pacific Ocean, Great Britain, the United State, and Russia should jointly enter into a convention, similar in its nature to the third article of the convention of the 20th of October, 1818, now existing between the two former powers, by which the whole of that country westward of the Stony Mountains and all its waters would be free and open to the citizens and subjects of the three powers as long as the joint convention remained in force. This my Government proposed should be for the term of ten years.

And, second, that the United States were willing to stipulate to make no settlements north of the fifty-first degree of north latitude on that coast, provided Great Britain stipulated to make none south of 51° or north of 55°, and Russia to make none south of 55°.

These, I said, were the principal points which I had to put forward upon this subject. The map was spread out before us, and, in stating the points, I endeavored to explain and recommend them by such appropriate remarks as your instructions supplied me with, going as far as seemed fitted to a discussion regarded only as preparatory and informal.

Mr. Canning repeated that he had not invited me to call upon him with any view to discussion at present, but only to obtain from me a statement of the points, in anticipation of the opening of the negotiation, from the motive that he had mentioned of writing to Mr. Bagot. Yet my statement naturally led to further conversation. He expressed no opinion on any of the points, but his inquiries and remarks under that which proposes to confine the British settlements within 51° and 55° were evidently of a nature to indicate strong objections on his side, though he professed to speak only from his first impressions. It is more proper, I should say, that his objections were directed to our proposal of not letting Great Britain go above 55° north with her settlements, whilst we allowed Russia to come down to that line with hers. In treating of this coast he had supposed that Britain had her northern

question with Russia, as her southern with the United States. He could see a motive for the United States desiring to stop the settlements of Great Britain southward; but he had not before known of their desire to stop them northward, and, above all, over limits conceded to Russia. It was to this effect that his suggestions went. He threw out no dissent to the plan of joint usufruction between the three powers of the country westward of the Stony Mountains for the period of time proposed.

In the course of my remarks I said that the United States no longer regarded any part of that coast as open to European colonization, but only to be used for purposes of traffic with the natives and for fishing in the neighboring seas; that we did not know that Great Britain had ever advanced any claim whatever to territory there founded on occupation prior to the Nootka Sound controversy; that under the treaties of 1763 her territorial rights in America were bounded westward by the Mississippi; that if the Northwest and Hudson's Bay Companies now had settlements as high up as 54° or 55° we suppose it to be as much as could be shown, and were not aware how Great Britain could make good her claims any further; that Spain, on the contrary, had much larger claims on that coast by right of discovery, and that to the whole extent of these the United States had succeeded by the Florida treaty; that they were willing, however, waiving for the present the full advantage of these claims, to forbear all settlements north of 51°, as that limit might be sufficient to give them the benefit of all the waters of the Columbia River; but that they would expect Great Britain to abstain from coming south of that limit or going above 55°, the latter parallel being taken as that beyond which it was not imagined that she had any actual settlements. The same parallel was proposed for the southern limit of Russia as a boundary within which the Emperor Paul had granted certain commercial privileges to his Russian-American Company in 1799; but that, in fixing upon this line as regarded Russia, it was not the intention of the United States to deprive themselves of the right of traffic with the natives above it and still less to concede to that power any system of colonial exclusion above it.

Such was the general character of my remarks which Mr. Canning said he would take into due consideration. In conclusion I said to him that I should reserve myself for the negotiation itself for such further elucidations of the subject as might tend to show the justice and reasonableness of our propositions.

I have the honor to be, etc.,

RICHARD RUSH.

Hon. JOHN QUINCY ADAMS,
Secretary of State.

Mr. Rush to Mr. Adams.

No. 358.] LONDON, *January 19, 1824.*

SIR: It was an omission in me not to have stated in my communication of the 6th instant what are to be the claims of Great Britain on the northwest coast of America, though as yet Mr. Canning has not made them known to me formally.

She will claim, I understand, to a point northwards above 55°, though

how much above it I am not able to say, and southwards as low down as 49°. Whether she designs to push a claim to the whole of this space with earnestness I am also unable as yet to say, but wait the more full and accurate disclosure of her views. To a portion of it she will certainly assert her title with great confidence, and she will be chiefly tenacious of the right which she will allege to settle or colonize after her own plans, now or in future, all such parts of that coast, out of the admitted boundaries of other nations, as she can make good her title to.

She will regard as alike open (standing upon the question of right) to her future settlements or colonization any part of the North American continent, however minute, on the eastern coast, northern coast, or elsewhere, heretofore undiscovered and unsettled by other powers, and which she has recently explored, or may for the future explore and settle, through her expeditions under Parry and Franklin, or others that she may fit out by land or water.

I need scarcely subjoin that I shall resist her claims under the lights that your instructions afford me and such others as I may be able to command; that I shall allege and endeavor to prove, from treaties and other sources, that the true sovereignty over the whole of that coast from the 42d to the 61st or 60th degree of north latitude is now vested in the United States; and that, consequently, if the United States are willing to leave to Great Britain her present actual settlements there between 55° and 51°, it is as much as the latter power can reasonably ask.

Nevertheless, if the President should think that, as connected with any part of this subject, further instructions might prove useful to me, I beg to repeat that I should be thankful to receive them from you, taking the chance of their still getting to hand before the negotiation, not yet begun, shall finally close.

I have the honor to remain, &c., &c., &c.,

RICHARD RUSH.

Hon. JOHN QUINCY ADAMS, *Secretary of State.*

Extracts of a letter from Mr. Middleton to Mr. Adams.

No. 34.] FEBRUARY 5, (17,) 1824.

Sir Charles Bagot not having received any instructions from his court in relation to the Northwest question up to the middle of December last, I was unwilling to lose any further time, and took occasion (as I informed you in my last it was my intention to do), from Count Nesselrode having expressed an opinion to me, "qu'il y avoit beaucoup de vague dans toute cette question," to assure him that it was far otherwise, and to request him to receive for his own and for the Emperor's perusal the *Confidential Memorial*, of which I forwarded you the first sketch with my number 33. This was put into his hand on the 17th December, and will have changed, I hope, some of the views entertained up to that time. I think it must appear clearly to all who examine the subject that the acts of this Government in relation to the Northwest coast have originated in errors of fact and of theory.

I have within these few days past been notified by Sir Charles Bagot that it is the intention of Great Britain to proceed separately in rela-

tion to this interest. I shall abstain from making any remark at present upon this very unexpected turn in the affair, but I am hopeful that the Imperial Government will now proceed in the negotiation without further delay, as it has always professed its readiness to do.

Mr. Middleton to Mr. Adams.

PRIVATE.] ST. PETERSBURG, *25th Feby.* (*O. S.*), *1824.*

SIR: You will have learnt from Mr. Rush that England has declined treating here conjointly with us in relation to this interest. He informed me of it by a letter under date of 9th January, which was not received by me until the 9th instant (N. S.). He states in the same that Mr. Canning intimated to him that Sir Charles Bagot had only paused under *my suggestions*. This Mr. Rush himself knew to be incorrect, and he appears to have misunderstood Mr. Canning wholly, for I have obtained from Sir Charles a *secret* memorandum in Mr. Canning's own handwriting, purporting to be a statement of the substance of his conversation with Mr. Rush, a copy of which I herewith enclose. The letter which contained this paper was dated 15th Jany., and recd. likewise on the 9th instant.

In a despatch of the same date, Mr. Canning informed Sir Charles that it was not until after he had received from *him* the account of Mr. Hughes's arrival at St. Petersburg, and of our impatience to know what might have been agreed upon in London, that he began to suspect that Mr. Rush might have instructions and powers to negotiate *there* with respect to the delimitation of territory; and upon enquiry of Mr. Rush he found, much to his surprise, that such was the fact. This must have been during the first week in January. The delay which this shows is much to be regretted, as occurrences had arisen in the meantime which were of a character to interpose new difficulties in the way of both negotiations.

In the first instant when this unexpected refusal of England was received here, it was much to be apprehended that *our* situation would have been rendered worse by the striking difference of views it indicated between those whose interest in this matter might have been considered until then almost identical. It was to be supposed that Russia would avail herself of the circumstance to hold out longer in pretensions which were not now *jointly* resisted. I have reason to believe, too, that insinuations were not wanting to put the most unfavorable construction upon the doctrine we had advanced and to make it appear as peculiarly directed against Russia. I have been at considerable pains in endeavoring to efface all impressions of that kind, and I let it be distinctly understood that I should protest in the strongest terms against any delimitation of territory without the participation of the United States. I have the satisfaction to say that *our* negotiations commenced on the 9th instant (O. S.), since which we have had only two more conferences.

I shall not have time to give any details by the courrier now about to depart, but I may say that I begin to see a flattering prospect of succeeding nearly as well *without* as we should properly have done *with* the assistance of our friends beyond Channel. On the whole I have much reason to be satisfied with the good will and moderation

evinced towards us by this Govt., notwithstanding the very opposing attitudes in which we are politically placed. It may be that our frank and consistent conduct inspires respect, but our *maritime force* and the consequent *impossibility of dictation* towards us must also be taken into the account. It may be very well understood that a course different from that we are pursuing with regard to Spanish affairs would have pleased better, "but," say they, "England has not the same strong reasons for taking the course she does," and accordingly they seem to consider *her* as less excusable in what she does.

Whatever may be the feeling or views under which they act, I see room to hope that the result of our negotiation will be the adoption of your project of convention with very little alteration. I suppose that our next meeting will enable me to inform you more particularly.

I have, etc,

HENRY MIDDLETON.

Hon. JOHN QUINCY ADAMS.

[Inclosure to Mr. Middleton's private dispatch of Feb. 25, 1824. Mr. Canning to Sir Charles Bagot.]

SECRET.] JANUARY 7, 1824.

MEMORANDUM.

The original instruction to Sir Charles Bagot was to proceed to negotiate with the Court of St. Petersburg directly and separately.

That course of proceeding was suspended in consequence of the intimation received through Mr. Rush, and probably through Mr. Middleton, that the latter might expect instructions from his Govt. to propose uniting the negotiations of the United States and Great Britain.

There was no indisposition on the part of Great Britain to do this.

But the principle laid down with respect to colonization in the speech of the President of the United States (to which Great Britain does not assent) must be so particularly displeasing to Russia that it may be expected to create some difficulty in the negotiation between Russia and the United States.

At all events it must interpose a difficulty to that union of counsels between the United States and Great Britain without which concert would not be advantageous.

Under these circumstances it is not thought advisable to send Sir C. Bagot fresh instructions for a tripartite negotiation.

He is directed to proceed in the course in which he began, and for which alone his present instructions and full powers authorize him.

The settlement between the United States and Great Britain stands for five years yet to come on the convention of 1818.

Mr. Middleton to Mr. Adams.

No. 35.] ST. PETERSBURG, *April 7 (19), 1824.*

SIR: I am here to have the honor of endeavoring to give you a connected though cursory narrative of the proceedings which have taken place during several months past in relation to the negotiation upon the Northwest coast question, which has at length terminated in the conclusion of a convention, signed with the Russian plenipotentiaries upon the 5th (17th) of this month and now to be forwarded by Mr. Lucius Bull, who is to proceed hence for Washington as special messenger.

You are already apprised of the proceedings upon this question having been suspended, in the expectation that Great Britain would pro-

ceed jointly with the United States in the measures to be taken in relation to this interest. That such an expectation was not altogether groundless will appear from the following extracts of a note I made at the time from two despatches addressed by Mr. Secretary Canning to Sir Charles Bagot, and read by him to me just after receiving them:

Upon the subject of the ukase I have delayed sending you further and more precise instructions, in consequence of an intimation from the Government of the United States, through our minister in America, that they were desirous of combining with ours their representations and negotiations on the subject.

Another despatch, extracts of which were read to me, stated—

That a copy of a despatch from His Majesty's minister in America upon the subject of the Russian ukase was forwarded for his excellency the ambassador's information. It is therein stated that the Government of the United States are desirous to join with that of His Majesty in bringing forward some proposition for the definitive settlement of this question with Russia.

But we have no specific information as to the views of the American Government, Mr. Rush not having yet received any instructions upon the subject.

It seems probable, however, that the part of the question in which the American Government is peculiarly desirous of establishing a concert with this country is that which concerns the extravagant assumption of maritime jurisdiction. Upon this point, such a concert as the United States are understood to desire might be peculiarly advantageous.—Dated July 12, 1823.

With these extracts before me, and frequent opportunities of observing how anxious Sir C. Bagot was to have our cooperation, it is not surprising that I should be fully under the impression that England would willingly adopt a joint negotiation. It may be very well understood why, then, when I discovered that the full power sent over to Sir Charles had relation to the *maritime question alone* (see the paper lettered A), and when, too, I perceived that Mr. Poletica, who was left in the absence of the Emperor and of Count Nesselrode to "*hold conferences*," it may well be understood *why* I was well pleased to avail myself of Sir Charles' want of powers, to decline continuing a negotiation which could conclude nothing. I then waited patiently until the return of the Emperor; but finding, in the middle of December, that Sir Charles' instructions were not forthcoming, and being unwilling to lose any further time, I took occasion, from Count Nesselrode's telling me in conversation upon the subject of the northwest coast question, * * * to beg to offer to his perusal and that of the Emperor a confidential memoir I had drawn up, a copy of which (in the form in which it was presented) I now forward. (See book lettered A.) I then waited anxiously the news we were to have from London. Great, indeed, was my surprise when, on the 9th of February (N. S.), I received Mr. Rush's letter, dated January 9. (See papers lettered *b* and *c*.) Mr. Rush therein states that Mr. Canning had intimated to him that Sir Charles Bagot had only *paused under my suggestions*. Mr. Rush might have contradicted this, for he must have known that the fact was otherwise. The first intimations from our Government of its desire to concert measures with England had been conveyed through Mr. Stratford Canning.

My first act, upon receiving the notification that England would treat separately from the United States, was to acquaint both the Russian secretary and the British ambassador that if any attempt was made to negotiate upon the territorial question without our participation it would become my duty to protest in the strongest terms. I represented to Sir Charles: 1st, that Great Britain, having no establishment

or possession upon any part of the northwest *coast* of America, she can have no right or pretension except such as may result from her convention with Spain concluded October 28, 1790, and of course she can convey to a third power no rights, claims, or pretensions except such as she herself may have derived from her convention with Spain; 2d, that the United States, in virtue of their convention concluded with Spain February 22, 1819, have acquired all the rights, claims, and pretensions whatsoever of that power upon the same coast, north of the 42d parallel of latitude, and that, consequently, the said States have concurrent rights, claims, and pretensions with Great Britain to whatever point hers may be considered to extend; 3d, that therefore any convention or agreement which might be made between Russia and Great Britain without the participation of the United States must be nugatory and null as regards them, and can not divest the said States of the rights they enjoy upon that coast.

To Count Nesselrode I stated that the benefit to Russia, at least of a convention with England from which we should be excluded, must be small indeed. They seemed willing to assume that the territorial question regarded exclusively Russia and England as "limitrophes" upon this coast. This I denied, and contended that the rights of the United States, to say the least, were *concurrent* with those of England; and to show how little any agreement to which we were not parties would avail them, I used the argument of which a condensed statement follows in the language we used:

> That supposing that England, for herself, renounced the rights which the community of the waters which wash these shores gives her, this renunciation can in no way prejudice the rights of others. Thus, in spite of her renunciation, these seas would remain free to all other nations, for a convention between two nations which stipulate their interests according to their own good pleasure can not have any effect either on the principles of the law of nations or on the rights of other nations. It will be found, then, that when our citizens go to traffic in the latitudes of the great Northern Ocean the Russians can not oppose to them *in a valid manner* the convention concluded with Great Britain. The compact with this power would only prove that there had been a dispute and that the two contracting powers had made an arrangement in this regard, etc.

Such was the general reasoning I used; and shortly after the circumstance of England having determined to treat separately was known here, I received permission to see Count Nesselrode officially, and he invited me by note, under date of February 6 (O. S.), stating the fact as communicated to him by the British ambassador, of his Government having determined to act *separately*, and inviting any communication I might think proper to make. At my solicitation he appointed the Saturday following for our first meeting upon the northwest question. I was happy to find at this meeting that the Russian Government was as well disposed to treat with us as ever. Various conferences have since taken place, from my notes of all which (as, in general, no protocol was drawn up) I shall endeavor to make a short statement in the following sheets.

FIRST CONFERENCE.

Count Nesselrode received me by appointment, at his own house, on Saturday, February 9, at eight o'clock in the evening. He opened the business of the northwest coast negotiation by declaring that he believed it would be best for us to waive all discussion upon abstract principles of *right* and upon the actual state of *facts*, and that we must

endeavor to settle the difference which had arisen between our Governments "on the basis which might be found most conformable to our *mutual interests*." In answer, I stated that I was perfectly ready to accède to the course proposed by him, although I felt confident that the United States had nothing to apprehend from the strictest examination into their claims and pretensions, but that I must reserve to myself the right, which he would also of course retain on his part, of invoking, occasionally, such principles of national law and of alleging such facts as we might, respectively, deem necessary to the defence of the rights and interests of either party.

He then inquired whether I had prepared any *projet* of convention for the settlement of the disputed points in this question. I placed under his eye the two drafts of which the copies herewith sent are lettered D and E. (See the documents.) He promised that these papers should be submitted to the Emperor at an early day, and we parted with an understanding that he would give me notice when I could again [see] him upon the same business.

SECOND CONFERENCE.

Having received an invitation from Count Nesselrode, I waited on him on Wednesday, February 20, at one o'clock p. m. I found Mr. Poletica with the Count, and a *rescript* from the Emperor to these gentlemen was exhibited to me, empowering them to treat and adjust a settlement of the differences which had arisen in consequence of His Majesty's ukase of September 4 (16), 1821. (See paper lettered *f*.) I exhibited to them my power from the President of the United States to the same effect, and we exchanged copies of the same. Some informal talk then arose respecting the general merits of the question we had in hand. I shall give a very short statement upon this head, because, according to previous understanding with Count Nesselrode, who took no part in it, all discussion of this nature was *private* and *extra official*. I shall use the language in which we spoke.

M. de Poletica, among other things, has affirmed that the pretended declaration of Russia, in the dispute between Spain and England on the subject of Nootka, is only a gratuitous assertion on the part of Spain. It was answered that this assertion, made in the face of Europe, had not been denied at the time by Russia, and that from that it is to be concluded to be well founded until the proofs of the contrary were produced.

M. de Poletica has also pretended that the convention of 1819 only cedes to the United States the rights and pretensions of Spain to the territories *to the east* and *to the north* of the boundary line (which would, in effect, be the position of the greatest part of the northwest coast of America), so that, according to him, a perpendicular line ought to be drawn from the point where the forty-second parallel touches the Pacific Ocean; that is to say, that it ought to follow the *parallel of longitude* from this point towards the North Pole for finding the western limits of the United States. But, it has been answered to him, can M. de Poletica be ignorant that the forty-second parallel of north latitude actually reaches across the great ocean, and that the coasts of the northwest are necessarily found *all to the north* of this parallel? Besides, these coasts having been included in the pretensions of Spain, in the year 1790, as far as Prince William's Sound, *all this territory* ought actually

to be comprised in the cession of the rights of Spain to the United States. Otherwise it can not be denied that, in the case of the cession not having been made to the United States, then the possession must necessarily still belong to Spain and can in no manner be claimed by Russia, &c.

After some further desultory conversation upon the same topics, the Count put into my hand a *contre projet*, consisting of a translation into French of the projet I had offered, with some insertions, alterations, and additions (see paper lettered *g*). I observed that the insertion in the second article was utterly inadmissible, as repugnant to the stipulations of the former article, and that, instead of the admission of American vessels solely to New Archangel, in the third article, I should propose the commercial principle adopted by the United States and England upon the same coast (indiscriminate admission, &c., for a limited period). That I must now frankly tell them that my instructions required that I should obtain two points as necessary conditions to the third object contemplated by the projet of convention. First, the revocation, either spontaneous or by convention, of the maritime provisions of the ukase of September 4 (16), 1821. Secondly, the adoption of the commercial principle (or something similar) agreed upon between the United States and Great Britain, in their convention of 1818, in relation to these coasts. Thirdly, that, these preliminaries being settled, a *territorial delimitation for settlements* at fifty-five degrees might be agreed upon.

Upon this Mr. Poletica assured me, with a strong asseveration, that *he* would never be brought to sign an instrument containing the principle of free admission for *our ships to their coasts*, whatever *the Count* might think proper to do. He continued to argue warmly against anything of the kind. I replied somewhat at length, and concluded by saying that, unless he could be brought to change his mind upon this point, it was more than probable *we* should be able to do nothing. Russia must then be content to *keep her ukase*, and other nations would only have to see what means they may possess of carrying on the northwest trade *in spite of it*. The Count took no share in this *a-parte* discussion, and when it concluded I told him that I should take his contre-projet home with me to consider it and make such further propositions as reflection should suggest. We agreed to meet again in three days.

THIRD CONFERENCE.

We met again at 8 o'clock in the evening of Saturday, February 23, when I presented my counter-projet (see paper lettered *h*), accepting the first article, and the second, with the omission of what they had inserted upon my first projet. With regard to the third article, I observed that the proposal of inserting 54° 40′ instead of 55°, with a view, as they explained it, of preserving to Russia two points of the island in which the port, called *Bucarelli* by the Spaniards, is situate, might [not] be absolutely inadmissible, although I should exceed my instructions in agreeing to it; but that at all events I must restore the phraseology I had used in the commencement of the article, as we could not admit for them or claim for ourselves *possessions*, except where there are actual establishments. Count Nesselrode stated that he had intentionally introduced the alteration in the phraseology, meaning thereby to secure their settlement near Bodeja (which lies *south* of the

line of delimitation) against all possible objection, if, indeed, they should hereafter consider it to be worth their while to continue it, and, provided also, that neither *Spain* nor *Mexico* should object to it. He would now, however, consent to adopt my phraseology, since it should seem that what lies *south* of Cape Mendocino cannot be correctly considered as being any part of the northwest coast. Coming to the latter part of the article as proposed by me, which substitutes, in lieu of admission to our vessels at the port of Archangel, a provision for their free admission *to all parts* of that coast, including a free trade with the natives, he appeared to consider this to be utterly inadmissible. Upon my persisting, however, to aver that nothing could be done without it, he consented, at least, to take the proposition *ad referendum*. I stated I had yet an alternative to offer, which, leaving the line of delimitation undecided, might settle all difficulties on our part; and I proposed to let the third article run as set forth in the paper lettered (*d*). It was not difficult to perceive that the utmost reluctance was felt in admitting the principle of free trade in any form. I thought it probable that this proposition would lead them to appreciate the advantage they might derive from delimitation, and prepare to be willing to pay the price of it.

FOURTH CONFERENCE.

After a fortnight's interruption, I met His Majesty's plenipotentiaries on Saturday, March 8, at 8 o'clock in the evening. Count Nesselrode stated that my last projet had been considered, and that there remained very little to be done to bring our projets together; that there were but two lines to be *omitted* and *one word* to be *altered* [see lines *in italic*, in paper (*h*)] viz, the words "*and the trade with the natives of the country*," to be omitted and the word "*ten*" to be exchanged for "*five*." I observed that, as the article would in that case remain, it would amount to a stipulation that we should enjoy for a very limited period, and as a privilege, what we are now entitled to by the law of nature, in common with all the independent nations, to wit, *the fisheries* upon an *unoccupied* coast, less infinitely than is permitted by this same projet upon all the other shores of the great ocean, where, by the preceding articles, as well as by common right, we may land and trade in unoccupied places. I therefore must at once declare the positive inadmissibility of that proposition. With regard to shortening the term for which a free trade was reciprocally to be granted, I could have no idea that it would be seriously pressed, being in itself so small an object. I then begged leave to place under his eye a short statement of principles and facts, which might have some weight in relation to the subject under consideration, and which I considered to be incontrovertible.

See paper lettered (*k*). Having read this with attention, he exclaimed, "Well, *here is a convention*. We must see if 'tis not possible to come to an arrangement." He then stated that there could, however, now remain only one mean of accommodating the existing difference. This he would state hypothetically (supposing the possibility of the Emperor's permitting the stipulation of a free trade for ten years to be agreed to). It was a proposition which *perhaps* would be made to me at a future meeting. It would be intended to prohibit the trade in

firearms and ammunition. He went into a recapitulation of the complaints of Mr. Daschkoff and Count Pahlen, on account of the injuries arising from the firearms furnished to the natives by our citizens. I took occasion here to declare that all these proceedings of the Russian Government were founded in *erroneous* impressions, and arose from their having improperly conceived that they had *a right* to regulate our commerce upon a coast which, being unoccupied, was free and open to all nations. It was clear that they had no right to demand any regulation of the kind. He replied, they did not now, of course, expect any arrangement which should not be marked by *reciprocity*. I remarked that any restriction of the kind would be in many respects liable to objections; that the first which presented itself to my mind was that such a regulation could not be carried into effect without admitting a right of search, which was wholly inadmissible in time of peace. He replied, they had no intention of proposing anything of the kind, for that they would be satisfied with the right of *making representations* to our Government in case of the infraction of the regulation which should be adopted by our traders.

I remarked that if the restriction could be carried into effect as regards our vessels and their own, that it would be giving a premium to the traders of other nations—for example, to the English or to the Dutch, who have considerable possessions west of the Pacific, or to the Portuguese of Macao, or to the Mexicans, since Mexico may now be considered as a State—all of whom would enjoy the faculty of carrying on a trade, voluntarily relinquished by ourselves, in arms and ammunition, articles which appear to be much coveted by the natives of those coasts. I was answered that the English were ready to give up, altogether, the right of trading to the coasts, which would accrue to Russia by the arrangements about to be made (a circumstance, by way of parenthesis, which was fully confirmed to me by Sir Charles Bagot, in a subsequent conversation), and that Russia has the means of influencing all other nations to abstain from a trade which would be no longer open, except in the form she should please to give it. I still objected to the *impracticability* of the project, and intimated my apprehensions that it would only be a pretext for vexations, stating, however, that the question was new to me and entirely unprovided for in my instructions, but that I was bound, at least, to consider any proposition they might think proper to offer. We then parted, the Count promising to notify me when I could have another meeting with him.

SUBSEQUENT CONFERENCES.

Considerable delay occurred after the conference of the 8th March, occasioned partly, as I understood, by the indisposition of the Emperor, and partly, too, as I supposed, to give time for consultation with the directors of the Russian American Company. At length, on the morning of the 22d March, Mr. Poletica called upon me, and stated that he had now a project to offer on the part of his Government (see paper lettered *I*), and that he would leave it with me for consideration. Among other things, he observed that the prohibition of a trade in arms and ammunition would be a *sine qua non*, and that the Emperor wished, in views of benevolence, to add thereto all kinds of spirituous liquors. This was confirmed to me by Count Nesselrode's note of 20th

March (see paper lettered *m*). Mr. Poletica stated that Count Nesselrode proposed to receive me on Monday, the 24th instant, at his house, at one o'clock p. m.

Accordingly I attended on Monday, the 24th March, and offered the projet (lettered *n*). The argument this day turned generally upon the restrictions proposed to be imposed upon the trade. The sale of arms to savages, whose blind passions are unrestrained by any moral tie, must be equally pernicious to themselves and all who come within their reach. The greatest objection to this prohibition appeared to me to be that the restriction may be converted into a pretext for vexations upon our commerce, if seizure or confiscation were permitted; and, on the other hand, it seemed likely that all other modes of carrying the prohibition into effect would prove nugatory. I had been told, however, that they would be satisfied with its interdiction under such penalties as we might think proper to impose; that in case of infraction they would content themselves with *representations* to the Government; but that, finally, the measure was a *sine qua non*. In order to meet this proposition, I had drawn up the article as it stands in the projet, as, upon the whole, I concluded that our Government will probably consider the proposal as less objectionable than at a former period, from considerations, at least, of *reciprocity*, *now* that we have an acknowledged territory upon the western coast, and when, too, it might perhaps be unavailing to attempt to resist the claims of Russia, likely so soon to be fully acknowledged by Great Britain.

On the 28th Mr. Poletica brought me the projet lettered (*o*). It now appeared to me that the latter part of the fourth article, "that the reciprocal right shall cease," &c., had still too much the appearance of a substantive stipulation, although I had changed it from an entire article in their projet of the 22d of March, so as to stand as an accessory to the preceding stipulation of an open trade. In the fifth article, their expression "of arbitrary measures" did not appear to me to be sufficiently precise, as it left them at liberty to adopt *regulations* and to carry them into effect, because it could not be said that such regulations were arbitrary. For these reasons, I proposed at our meeting on the 31st that the fourth and fifth articles should stand as set forth in the projet lettered (*p*).

The fourth article became the subject of warm debate during the three meetings upon the 31st of March and the 1st and 2d of April; at the last of which they proposed that I should sign a protocol of the tenor of that lettered (*q*). This was refused by me as asserting what was evidently untrue, to wit, that the two forms specified therein *meant the same thing;* but I consented to sign another protocol, of which one of the originals is forwarded herewith, lettered (*r*). The protocol of signature is lettered (*s*), and the convention (*t*).

Such is the sum and substance of what passed in our conferences, as extracted from the short notes I made directly after each meeting. If it should appear to be meagre and desultory, this must be accounted for from the circumstance that we had set out disclaiming all *regular discussion* of right or of fact; and if anything approaching to it was resorted to, it was only when I deemed some statement absolutely necessary to support our pretensions; but in general everything of the nature of *discussion* appeared to be carefully avoided by the adversary.

I now beg leave to add a few observations on the convention as concluded.

In order to judge equitably the merits of this convention (or indeed of any other), it may be necessary to make some allowance for the circumstances in which it was negotiated.

In the very outset of this negotiation the *defection* of England was a circumstance of a character likely to throw great difficulties in the way of it. *This* was occasioned, as I am well informed, partly by a conviction that *our* interests were different from if not directly opposed to *hers*, and partly, too, by the notion that *the doctrine* of the President's message *respecting colonization upon the American continent* must be peculiarly displeasing to Russia, and such as would render the negotiation much more difficult for the United States than for Great Britain. The latter power appears to have given over all thoughts of *keeping open* the trade upon the Northwest coast of America. Her object in this negotiation seems to be to obtain an abandonment of the extravagant maritime pretension set up by Russia, and at the same time to acquire for herself territorial rights over such portion of the shores of the American continent as may secure her free egress from her interior possessions, lying towards the east into the Pacific Ocean. Whenever these rights have been acknowledged, she will probably use her accessorial maritime domain for the purpose of excluding other nations from trading within her jurisdiction. With these prospects we must not indulge in the expectation of her renewing the trading privilege we now enjoy within her limits, unless it be made the price of our acknowledgment of a line of delimitation.

From the commercial activity which prevails universally at this day it is not to be expected that any coasts upon which valuable articles of trade are obtained can long continue unappropriated. That this should have been the case up to the present time upon the northwest coasts of America can be only accounted for from the circumstance of those regions being of extreme difficult access to all the inhabitants of Europe by reason of their remoteness from that part of the globe; while at the same time the wars which have generally absorbed the attention of the whole civilized portion of mankind almost continually since the discoveries of Captain Cook have prevented their importance being duly appreciated. In the short period of peace which intervened between the first American war and those of the French revolution several expeditions were undertaken, which indicate that the general opinion of that importance had begun to prevail. That of M. de la Perouse, and that of Marchand, by the French; those of Vancouver, and other English navigators; several voyages undertaken by enterprising citizens of the United States, and lastly, the affair of Nootka Sound, all go to prove how general an opinion prevailed of the value of the trade in furs, above all, with reference to the China market. During a length of time the Russians had enjoyed the benefit of supplying that market with furs obtained either in their Asiatic possessions or in the American islands, although they are obliged to transport them from Okhotsk by land carriage to Kiachta, thence to introduce them by Malmaichin, the only *port of entry* for all the borders between Russia and China. They have been anxious, on account of the delay and expense attendant upon this route, to establish a right of admission for their vessels into Canton, where all European flags are admitted; but they have been hitherto prevented from doing so by some strange caprice of the Chinese.

The confusion prevailing in Europe in 1799 permitted Russia (who

alone seems to have kept her attention fixed upon this interest during that period) to take a decided step towards the monopoly of this trade, by the ukase of that date, which trespassed upon the acknowledged rights of Spain: but at that moment the Emperor Paul had declared war against that country as being an ally of France. This ukase, which is, in its *form*, an act purely domestic, was never notified to any foreign State with injunction to respect its provisions. Accordingly it appears to have been passed over unobserved by foreign powers, and it remained without execution in so far as it militated against their rights. The partial success of this measure seems, however, to have encouraged the yet more bold assumptions of the ukase of September, 1821. It may easily be imagined how much a *fancied* but equally *unquestioned* (either by themselves or others) *possession* during upwards of twenty years must have strengthened the opinion the Russians had of their own rights. I have reason to know that even in the Emperor's mind this conviction had taken strong hold. When urged both by England and America to recede from his territorial pretensions, he expressed himself ready to undo his own act, but declared that the act of his father must be maintained. The fifty-fifth degree was therefore a barrier not to be broken through; and a further small addition was required because the point of an island was cut off by that parallel. In consequence of this, it was urgently pressed by the Russian plenipotentiaries to make the line of delimitation run upon the parallel of 54° 40′, a small deviation from the instructions I had received. To this I thought I could, without impropriety, accede. To show how much importance they attach to the parallel of 54° 40′, it may now be mentioned that it is only upon this point that the negotiation with Great Britain has been broken off. England had agreed to accept this delimitation *upon the islands*, but insisted upon carrying her territorial claim *upon the continent* up to 56° and some minutes, in order to retain the mouth and course of a river which disembogues about that latitude, and as being necessary to the convenience of certain posts established in that neighborhood by the Northwest and Hudson's Bay companies; but Russia has decidedly refused to accede to that delimitation, and Sir Charles has sent for further instructions.

It may, perhaps, be thought that, as certain restrictions upon our trade were insisted upon, which were not provided for in any instructions, I ought to have deferred the signature of the convention, and to have sent home for further instructions. Such would have been my course had I not apprehended that the question of delimitation between England and Russia must certainly, long before I could have any answer, be settled one way or other without our participation, and that we should then have no equivalent to offer for the trade we covet upon their shores, as neither of these nations seem disposed to consider as valuable any like advantage we may have it in our power to grant.

It may possibly, too, be objected, upon a superficial view of the convention, that it surrenders a permanent *right* to a community of trade upon the northwest coast in exchange for a *privilege* which is to expire in ten years. In answer to this objection, I submit that this right must always have been held subject to extinguishment whenever the maritime domain, incident to actual occupation and settlement, shall be acquired by any nation upon those coasts; and I beg leave further to remark upon the same point, that I kept it always in recollection that when the stipulation of the fourth article, for liberty of trading with the natives, shall have expired by its own limitation, these coasts, in

so far as they may then remain unoccupied, will fall into the general category of *unoccupied places upon the coasts of the great ocean.*

The Russian plenipotentiaries had been all along particularly anxious to introduce into the convention a *substantive* stipulation, that the privilege to trade upon these coasts should absolutely *cease* after ten years. An example of this may be seen in their projet of March 22, in which it formed the subject of the fifth article. Such a stipulation I perseveringly resisted in all shapes, declaring that we retained a hope that our trade would become valuable and indispensable to their settlements before the expiration of the period specified, and that I was not authorized to enter into any stipulation of that nature. After three conferences, in which this point was the principal subject of contest, they consented to adopt my projet of a fourth article, with the explanation to be seen in the protocol of the 2d of April, "that *the reciprocal right* to trade *granted by this stipulation* can not be extended beyond said term but by mutual consent." This appeared to satisfy them, although it can by no means change the nature or character of the article, and only admits that the *privilege granted by the article* must cease by its own limitation—a proposition sufficiently evident from the terms of the article itself, and which can not affect the stipulations of other articles. As to the *mutual consent* necessary to the prolongation of the faculty granted by the article, it must be self-evident that if *that* were not necessary to *its existence in the form* allowed by the article, the article itself would have been altogether without an object. But with regard to *the trade in unoccupied places*, as permitted by the permanent articles, I am confident in the opinion that *all the shores of the great ocean* upon which the parties to this contract have any claim will continue open to them, respectively, for its pursuit under these stipulations.

The specific and particular privileges granted by the article (which, upon examination, will be found to contain an *extension* of the general privileges embraced by the preceding articles) will, of course, cease after ten years, unless renewed by mutual consent.

The entire article was offered in conformity to the spirit of the instruction, although the tripartite convention anticipated by the instruction had not been concluded, because the agreement for an open trade upon that portion of the coast claimed by England has yet five years to run.

Such are my views of this subject. I have only to hope that I may not have mistaken those of my Government. If I have erred in concluding this convention, which may, indeed, in some degree disappoint just expectation, I shall console myself, knowing that I have done so under the impression that I was bound to take upon myself the responsibility of this act, rather than to suffer, through a fear of incurring a disavowal of it, that the public interest should risk a loss by my letting pass an opportunity of securing advantages which can never again offer.

You will be aware, sir, how anxiously I must expect your answer, by which I shall be enabled to ascertain how far the President will approve of what I have done.

I have the honor to be, sir, most faithfully, your obedient servant,

HENRY MIDDLETON.

P. S.—In stating the communication made to me by the British ambassador, respecting the determination of his court to treat sep-

arately from the United States with Russia. I omitted to mention that he at the same time informed me that he was instructed, in case he should form a convention with Russia, without our being admitted to treat, to insert in it a saving clause for the rights of other states, similar to that contained in our convention of October 20, 1818. Since the conclusion of the negotiation on our part the British ambassador has furnished me with a copy of his instruction *ad hoc*. (See paper lettered *v*.)

H. M.

The SECRETARY OF STATE OF THE UNITED STATES.

No. 35 (*a*) *is the full power of Sir Charles Bagot.*

No. 35 (*b*).

Extract of a letter from Mr. Rush to Mr. Middleton.

LONDON, *December 6, 1823.*

I received, in the course of the past summer, instructions from our Government to open negotiations with this Government upon a great variety of subjects interesting to the two countries; and amongst others, on that of the Russian ukase of September, 1821, relative to the Northwest Coast of America. As you are in possession of a copy of the Secretary of State's letter to me of the second [22d] of July, on this last subject, I need say nothing at present respecting it. I write on this occasion barely to inform you that, as yet, the negotiations have not commenced on any one of the subjects which I have in charge, and of course, therefore, this of the Russian ukase remains also untouched. As I am instructed to correspond with you upon this subject, as well as upon that relating to the suppression of the slave trade, I will take care to do so as events may render it necessary and proper after the negotiations shall have been entered upon. I have announced to this Government my entire readiness to commence them, but am still unable to say at what precise time a beginning will be made.

I will also apprise you in due time of the results that may attend my discussions upon all the other subjects.

Extract of a letter from Mr. Rush to Mr. Middleton.

LONDON, *December 22, 1823.*

In an interview that I had with Mr. Canning last week I made known to him, as preparatory to the negotiation, the views of our Government relative to the Northwest Coast of America. These, as you know, are:

First, That, as regards the country westward of the Rocky mountains, the three powers, viz: Great Britain, the United States, and Russia, should jointly agree to a convention, to be in force ten years, similar in its nature to the third article of the convention of October 18, 1818, now subsisting between the two former powers; and secondly, that the United States would stipulate not to make any settlements on that coast north of the fifty-first degree of latitude, provided Great Britain would stipulate not to make any south of 51° or *north of fifty-five;* and Russia not to make any south of 55°.

Mr. Canning expressed no opinion on the above propositions further than to hint, under his first impressions, strong objections to the one which goes to limit Great Britain northwards to 55°. His object in wishing to learn from me our propositions at this point of time was, as I understood, that he might the better write to Sir Charles Bagot on the whole subject to which they relate.

No. 35 (*c*).

Extract of a letter from Mr. Rush to Mr. Middleton.

LONDON, *January 9, 1824.*

I have heretofore written to you on the 6th and 22d of December, and have now to inform you that from interviews which I have had with Mr. Canning since the present month set in, I find that he will decline sending instructions to Sir Charles Bagot to proceed jointly with our Government and that of Russia in the negotiation relative to the Northwest Coast of America; but that he will be merely informed that it is now the intention of Great Britain to proceed separately.

Mr. Canning intimated to me that to proceed separately was the original intention of this Government, to which effect Sir Charles Bagot had been instructed, and never to any other; and that Sir Charles had only paused under your suggestions to him of its being the desire of our Government that the three powers should move in concert at St. Petersburg upon this subject.

The presumption of its original course by this Government has arisen chiefly from the principle which our Government has adopted, of not considering the American continents as subjects for future colonization by *any* of the European powers—a principle to which Great Britain does not accede.

I have informed the Secretary of State of the above intention of this Government. It will produce no alteration in my endeavors to obtain in negotiation here a settlement of the points as between the United States and Great Britain, respecting the Northwest Coast, in manner as my instructions lay them down to me.

No. 35 (*d*).

State of the Question.

The United States, by their discovery of the mouth of the Columbia river and by their subsequent *real occupation* and continued possession of a district on the same part of the Northwest Coast of America, have perfected their right of sovereignty to that territory.

By the third article of a convention with Great Britain, concluded October 20, 1818, they stipulated "that any country that might be claimed by either party on the Northwest Coast of America westward of the Stony mountains should, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open, for the term of ten years from that date, to all vessels, citizens,

and subjects, of the two powers, without prejudice to the claims of either party or of any other State."

By a convention with Spain of February 20, 1819, the United States acquired all the rights, claims, and pretensions, of that power to all the Northwest Coast lying north of the 42d parallel of latitude. The claims of Spain appear to have rested on *prior discovery*, as far as the 59th degree north. So far, then, as prior discovery can constitute a foundation of right, the Northwest Coast as far as the 59th degree north belongs to the United States by the transfer of the rights of Spain.

Great Britain has no establishment or possession on any part of the Northwest Coast. She has, therefore, no right, claim, or pretension to any portion thereof, except such as may result from the convention with Spain concluded October 28, 1790. It is, then, evident that her claim is concurrent with those of the United States, and can only reach to whatever point these last may be considered to extend.

It appears, then, that Russia and England can not make a definitive arrangement without the participation of the United States, or at least going to their exclusion. Any agreement which these two powers may make will be binding upon themselves, but cannot affect the rights of a third power.

The United States offer to Russia an article of the same import with that of October, 1818, with Great Britain, to be in force for the term of ten years. By offering free and equal access to navigation and intercourse within the limits to which their claims are indisputable, they concede much more than they obtain.

With regard to territorial claim, separate from any system of exclusion, they are willing to agree to the boundary line within which the Emperor Paul had granted exclusive privileges to the Russian Company, that is to say, latitude 55°.

If the Russian Government apprehends serious inconvenience from *illicit traffic* with their settlements, it may be guarded against by stipulations similar to those in the annexed projet.

No. 35 (*e*.)

Projet of the United States of February 8.

ARTICLE I. In order to strengthen the bonds of friendship and to preserve in future a perfect harmony and good understanding between the high contracting parties, it is agreed that their respective citizens and subjects shall not be disturbed or molested, either in navigating or in carrying on their fisheries in any part of the great ocean vulgarly called the Pacific or South Sea, or in landing on the coasts thereof in places not already occupied, for the purpose of carrying on their commerce with the natives of the country, subject nevertheless to the restrictions and provisions specified in the following articles.

ARTICLE II. To the end that the navigation and fisheries in the great ocean carried on by citizens and subjects of the high contracting parties may not be made a pretext for illicit trade with their respective settlements, it is agreed that the citizens of the United States shall not land on any part of the coast actually occupied by Russian settlements, unless by permission of the Governor or commandant

thereof; and that Russian subjects shall, in like manner, be interdicted from landing without permission at any settlement of the United States on the Northwest Coast.

ARTICLE III. It is further agreed that no settlement shall be made hereafter on the Northwest Coast of America, or on any of the islands adjacent thereto, *north* of the 55th degree of north latitude, by citizens of the United States, or under their authority, nor by Russian subjects or under the authority of Russia, *south* of the same parallel of latitude.

No. 35 (*f*.) [is the full power of Count Nesselrode].

No. 35 (*g*.)

Counter Projet of Russia of February 20.

[Translation.]

ARTICLE 1. To cement the bonds of amity, and to secure, for the future, a good understanding and a perfect concord between the high contracting powers, it is agreed that, in any part of the great ocean, commonly called the Pacific Ocean, or South Sea, the respective citizens or subjects shall be neither disturbed nor restrained, either in navigation or in fishing, or in the power of resorting to the coasts upon points which may not already be occupied, for the purpose of trading with the natives; saving, always, the restrictions and conditions determined by the following articles.

ARTICLE 2. With the view of preventing the rights of navigation and of fishing, exercised upon the great ocean by the citizens and subjects of the high contracting powers, from becoming the pretext for an illicit trade with their respective establishments, it is agreed that the citizens of the United States shall not resort to any part of the coasts already occupied by Russian establishments, *or belonging to Russia, from the line of demarkation pointed out in the article below*, without the permission of the governor or commander of said establishments; and that, reciprocally, the subjects of Russia shall not resort, without permission, to any establishment of the United States upon the Northwest Coast, *from the same line of demarkation*.

ARTICLE 3. It is, moreover, agreed that, in the respective possessions of the two high powers on the Northwest Coast of America, or in any of the adjacent islands, there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishments to the north of 54° 40′ of north latitude; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, to the south of the same parallel.

[With admission of American vessels to New Archangel.]

No. 35 (*h*).

Counter Projet of the United States of February 23.

[Translation.]

ARTICLE 1. The article proposed by the projet of February 20 is accepted.

ARTICLE 2. Same, with the omission of these words, "*or belonging to Russia from the line of demarkation pointed out in the article below*," words repugnant to the stipulation expressed in the preceding article, which grants the power of resorting to points not occupied. The words which terminate this article, "*from the same line of demarkation*," ought also to be erased.

ARTICLE 3. The modification of the article which proposes for a line of demarkation *fifty-four degrees forty minutes* instead of 55° may be accepted, provided the article be conceived in the following manner:

It is, moreover, agreed that, hereafter, there shall not be formed any establishment upon the Northwest Coast of America, nor in any of the islands adjacent *to the north* of 54° 40′ of north latitude, by the citizens of the United States, or under the authority of said States; and on the other side there shall be none formed by Russian subjects, or under the authority of Russia, to the south of the same parallel. It is at the same time agreed, however, that the vessels of the two powers, or belonging to their citizens and subjects, may, reciprocally, frequent all the interior seas, gulfs, harbors, and creeks of the said coast, in order to carry on fishing [*and trade with the natives of the country*][a] without any hindrance or molestation whatever, during ten [*five*] years, to be counted from the date of signing the present convention.

No. 35 (*i*).

Second Counter Projet of the United States of February 23.

ARTICLE 3. The high contracting parties being unable at this time to adjust, to their mutual satisfaction, a line of demarkation for their respective possessions upon the Northwestern Coast of America, it is hereby agreed that all the said coast to which they respectively lay claim, together with all interior seas, bays, and creeks of the same, shall remain free and open to the vessels, citizens, and subjects of the two nations, reciprocally, without prejudice to the claims of either party, or of any other State, to the full end and term of ten years from the signature of this convention, or until the high contracting parties shall have come to some agreement respecting the aforesaid limitation of their possessions.

No. 35 (*k*).

[Translation.]

FOURTH CONFERENCE.

The dominion cannot be acquired but by a *real* occupation and possession, and an *intention* (animus) to establish it is by no means sufficient.

[a] Words erased by the plenipotentiaries of Russia at the conference of March 8.

Now, it is clear, *according to the facts established*, that neither Russia nor any other European power has the right of dominion upon the continent of America between the 50th and 60th degrees of north latitude.

Still less has she the dominion of the adjacent maritime territory, or of the sea which washes these coasts, a dominion which is only accessory to the territorial dominion.

Therefore, she has not the right *of exclusion or of admission* on these coasts, nor in these seas, which are free seas.

The right of navigating all the free seas belongs, by natual law, to every independent nation, and even constitutes an essential part of this independence.

The United States have exercised navigation in the seas, and commerce upon the coasts, above mentioned, from the time of their independence; and they have a *perfect* right to this navigation and to this commerce, and they can only be deprived of it by their own act or by a convention.

No. 35 (*l*).

Project of a Convention offered by Russia on Saturday, March 22.

[Translation.]

His Majesty the Emperor of all the Russias and the Government of the United States of America, wishing to cement the bonds of amity which unite them, and to secure between them the invariable maintenance of a perfect concord, by means of the present convention, have named as their plenipotentiaries to this effect, to-wit: his Majesty the Emperor of all the Russias, his beloved and faithful Charles Robert, Count of Nesselrode, &c., and Pierre de Poletica, &c., and the Government of the United States of America, Henry Middleton, esquire, &c.; who, after having exchanged their full powers, found in good and due form, have agreed upon and signed the following stipulations:

ARTICLE I. It is agreed that in any part of the great ocean, commonly called the Pacific Ocean, or South Sea, the respective citizens and subjects of the high contracting parties shall be neither disturbed nor restrained either in navigation or in fishing, or in the power of resorting to the coasts upon points which may not already be occupied for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following articles:

ARTICLE II. With the view of preventing the rights of navigation and of fishing, exercised upon the great ocean by the citizens and subjects of the high contracting parties, from becoming the pretext for an illicit trade, it is agreed that the citizens of the United States shall not resort to any point of the coasts already occupied by Russian establishments, without the permission of the governor or commander of said establishments; and that, reciprocally, the subjects of Russia shall not resort, without permission, to any establishment of the United States upon the Northwest Coast.

ARTICLE III. It is moreover agreed *that, in the respective possessions* of the two high powers upon the Northwest Coast of America or in any of the adjacent islands, there shall not be formed by the citi-

zens of the United States, or under the authority of said States, any establishment to the north of 54° 40′ of north latitude; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, to the south of the same parallel.

ARTICLE IV. It is, nevertheless, understood that the vessels of the two powers, or which belong to their respective citizens or subjects, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbors and creeks in the possessions of Russia and of the United States of America on the Northwest Coast, for the purpose of fishing and trading with the natives of the country.

ARTICLE V. This reciprocal right of fishing and of trade is only granted for a term of ten years from the date of the signing of the present convention, at the end of which term it shall cease on both sides.

ARTICLE VI. From this time, fire-arms, other arms, powder, and munitions of war of every kind, are always excepted from this same commerce, which the two powers engage not to sell nor allow to be sold to the natives by their respective citizens and subjects, nor by any person who may be under their authority.

ARTICLE VII. The present convention shall be ratified, and the ratifications thereof shall be exchanged at St. Petersburg in the space of ———.

In faith whereof, the respective plenipotentiaries have signed it, and thereto affixed the seal of their arms.

Done at ——— the —— of the year of Grace 1824.

No. 35 (*m*).

Count Nesselrode to Mr. Middleton.

[Translation.]

The undersigned, Actual Privy Counsellor, Secretary of State directing the administration of Foreign Affairs, has had the honor to mention to Mr. Middleton, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, the desire which the Emperor had of seeing arms, munitions, and spirituous liquors excepted from the articles of which the reciprocal trade might be declared free during ten years with the natives of the Northwest Coast of America, by the convention which Russia and the United States are upon the point of concluding.

The undersigned hastens to assure Mr. Middleton, by writing, that the immediate prohibition of the trade in arms and munitions with the natives is a condition to which his Imperial Majesty attaches the highest importance, a condition the absence of which would not permit him to give his assent to the rest of the treaty.

As to the prohibition of the trade in spirituous liquors the Emperor eagerly desires that it should be pronounced, and he does not doubt that Mr. Middleton and the Government of the United States [will] receive in the most favorable manner this wish, dictated by motives of humanity and morality.

The undersigned embraces with pleasure this occasion of repeating to Mr. Middleton the assurance of his most distinguished consideration.

NESSELRODE.

ST. PETERSBURG, *March 20, 1824.*

No. 35 (*n*).

Projet of the United States of March 24.

[Translation.]

His Majesty the Emperor of all the Russias and the President of the United States of America, wishing to cement the bonds of amity which unite them, and to secure between them the invariable maintenance of a perfect concord, by means of the present convention, have named as their plenipotentiaries to this effect, to wit: his Majesty the Emperor of all the Russias, his beloved and faithful Charles Robert, Count of Nesselrode, &c., &c., and Pierre de Poletica, &c., &c., and the President of the United States of America, Henry Middleton, a citizen of said States, and their Envoy Extraordinary and Minister Plenipotentiary near his Imperial Majesty; who, after having exchanged their full powers, found in good and due form, have agreed upon and signed the following stipulations:

ARTICLE I. It is agreed that in any part of the great ocean, commonly called the Pacific Ocean, or South Sea, the respective citizens and subjects of the high contracting parties shall be neither disturbed nor restrained either in navigation or in fishing, or in the power of resorting to the coasts upon points which may not already be occupied for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following articles.

ARTICLE II. With the view of preventing the rights of navigation and of fishing, exercised upon the great ocean by the citizens and subjects of the high contracting powers, from becoming the pretext for an illicit trade, it is agreed that the citizens of the United States shall not resort *to any point where there is a Russian establishment*, without the permission of the governor or commander; and that, reciprocally, the subjects of Russia shall not resort, without permission, to any establishment of the United States upon the Northwest Coast.

ARTICLE III. It is moreover agreed that, hereafter, there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishment upon the Northwest Coast of America, nor in any of the islands adjacent, to the north of 54° 40′ of north latitude; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, to the south of the same parallel.

ARTICLE IV. It is, nevertheless, understood that the vessels of the two powers, or which belong to their citizens or subjects, respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks upon the said coast, for the purpose of fishing and of trading with the natives of the country. But the reciprocal right *granted by this article* shall cease, on both sides, after the term of ten years, to be counted from the signing of the present convention.

ARTICLE V. Fire-arms, other arms, powder, and munitions of war of every kind, are always excepted from this same commerce permitted by the preceding article; and the two powers engage, reciprocally, neither to sell, nor suffer them to be sold, to the natives, by their respective citizens and subjects, nor by any person who may be under their authority. It being well understood that, in any case, this restriction shall not be considered to authorize, under the pretext of a

contravention of this article, the visit, or the detention of vessels, or the seizure of the merchandise, or, in fine, any vexations whatever, exercised towards the owners or the crews employed in this commerce; the high contracting powers, reciprocally, reserving to themselves to determine upon the penalties to be incurred, and to inflict the punishments due, in case of the contravention of this article by their respective citizens and subjects.

ARTICLE VI. When this convention shall have been duly ratified by his Majesty the Emperor of all the Russias, on one part, and on the other by the President of the United States, with the advice and consent of the Senate, the ratifications thereof shall be exchanged at Washington in the space of ten months from the date below, or sooner, if possible.

In faith whereof, the respective plenipotentiaries have signed this convention, and thereto affixed the seals of their arms.

Done at ——— the —— of the year of Grace 1824.

No. 35 (*o*).

Contre Projet of Russia, March 28.

[Translation.]

His Majesty the Emperor of all the Russias and the President of the United States of America, wishing to cement the bonds of amity which unite them, and to secure between them the invariable maintenance of a perfect concord, by means of the present convention, have named as their plenipotentiaries to this effect, to wit: his Majesty the Emperor of all the Russias, his beloved and faithful Charles Robert, Count of Nesselrode, &c., &c., and Pierre de Poletica, &c., &c., and the President of the United States of America, Mr. Henry Middleton, a citizen of said States, and their Envoy Extraordinary and Minister Plenipotentiary near his Imperial Majesty; who, after having exchanged their full powers, found in good and due form, have agreed upon and signed the following stipulations:

ARTICLE 1. It is agreed that in any part of the great ocean, commonly called the Pacific ocean, or South Sea, the respective citizens or subjects of the high contracting powers shall be neither disturbed nor restrained either in navigation or in fishing, or in the power of resorting to the coasts upon points which may not already be occupied for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following articles.

ARTICLE 2. With the view of preventing the rights of navigation and of fishing, exercised upon the great ocean by the citizens and subjects of the high contracting powers, from becoming the pretext for an illicit trade, it is agreed that the citizens of the United States shall not resort to any point where there is a Russian establishment, without the permission of the governor or commander; and that, reciprocally, the subjects of Russia shall not resort, without permission, to any establishment of the United States upon the Northwest Coast.

ARTICLE 3. It is moreover agreed that, hereafter, there shall not be formed by the citizens of the United States, or under the authority of said States, any establishment upon the Northwest Coast of America,

nor in any of the islands adjacent, *to the north* of 54° 40′ of north latitude; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, *to the south* of the same parallel.

ARTICLE 4. It is, nevertheless, understood that the vessels of the two powers, or which belong to their respective citizens or subjects, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks upon the said coasts, for the purpose of fishing and trading with the natives of the country. But the reciprocal right granted by this article shall cease, on both sides, after the term of ten years, to be counted from the signing of the present convention.

ARTICLE 5. Fire-arms, other arms, powder, and munitions of war of every kind, are always excepted from this same commerce permitted by the preceding article; and the two powers engage, reciprocally, neither to sell, nor suffer them to be sold, to the natives by their respective citizens and subjects, nor by any person who may be under their authority. It is stipulated always that this restriction shall never be deemed to authorize, under the pretext of a contravention of the present article, the visit or the detention of vessels, or the seizure of the merchandise, or, in fine, any arbitrary measures whatsoever exercised towards the owners or the crews employed in this commerce; the high contracting powers, reciprocally, reserving to themselves to determine upon the penalties to be incurred, and to inflict the punishments due, in case of the contravention of this article by their respective citizens or subjects.

ARTICLE 6. When this convention shall have been duly ratified by his Majesty the Emperor of all the Russias, on one part, and on the other by the President of the United States, with the advice and consent of the Senate, the ratifications thereof shall be exchanged at Washington in the space of ten months from the date below, or sooner, if possible. In faith whereof, the respective plenipotentiaries have signed this convention, and thereto affixed the seal of their arms.

Done at ——— the —— of the year of Grace 1824.

No. 35 (*p*).

Projet of the United States, March 31,

[Translation.]

ARTICLE 4. It is, nevertheless, understood that, during a term of ten years, to be counted from the signing of the present convention, the ships of the two powers, or which belong to their citizens or subjects, respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country.

ARTICLE 5. All spirituous liquors, fire-arms, other arms, powder, and munitions of war of every kind, are always excepted from the commerce permitted by the preceding article: and the two powers engage, reciprocally, neither to sell, nor suffer them to be sold, to the natives by their respective citizens and subjects, nor by any person who may be under their authority. It is likewise stipulated that this restriction shall never serve for a pretext, nor be alleged, in any case, to authorize either the search or detention of vessels, or the seizure of

the merchandise, or, in fine, any measures of constraint whatever towards the merchants or the crews who may carry on this commerce: the high contracting powers, reciprocally, reserving to themselves to determine upon the penalties to be incurred, and to inflict the punishments due, in case of a contravention of this article by their respective citizens or subjects.

No. 35 (*q*).

Projet of Protocol.

[Translation.]

The undersigned, after having discussed in several conferences a projet of convention proposed for removing all the differences which have arisen between Russia and the United States of America, in consequence of a regulation published by the former of these powers, on the 4th (16th) September, 1821, definitively drew up the different articles of which this convention is composed, added to them their sign manual, and mutually engaged to sign them as they are found annexed to the present protocol.

In drawing up the 4th of these articles, the plenipotentiaries of Russia recollected that they had proposed to the plenipotentiary of the United States to arrange the said article in the following terms:

ARTICLE 4. "It is, nevertheless, understood that the ships of the two powers, or which belong to their citizens or subjects, respectively, may mutually frequent, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks upon the said coast, for the purpose of there fishing and trading with the natives of the country. But the reciprocal right granted by this article shall cease, on both sides, after a term of ten years, to be counted from the signing of the present convention."

ARTICLE 4. "*It is, nevertheless, understood that, during a term of ten years, to be counted from the signing of the present convention, the ships of the two powers, or which belong to their citizens or subjects, respectively, may mutually frequent, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks upon the said coast, for the purpose of there fishing and trading with the natives of the country.*"

The plenipotentiaries of Russia added, that, after agreeing to this arrangement, the plenipotentiary of the United States had afterwards invited them to change the ending of this very article, and to agree to it as it is transcribed opposite, observing that this second arrangement, more conformable to the letter of the instructions which he had received, in no way altered the sense of that which had been proposed by the plenipotentiaries of Russia.*

The plenipotentiary of the United States having repeated this observation, the article in question was signed with the modification which he had demanded to be there introduced.

After which, all the other articles were also signed, and it was resolved to proceed to the signature of the convention itself the —— following. Done at St. Petersburg, the ——, 1824.

All this in italics rejected, and filled up as stands in the protocol (*r*.)

No. 35 (*r*).

Protocol.

[Translation.]

The undersigned, after having discussed in several conferences a projet of a convention proposed for settling all the differences which arose between the United States of America and Russia, in consequence of a regulation published by the latter of these powers, on the 4th (16th) September, 1821, definitively drew up the different articles of which this convention is composed, added to them their sign manual, and mutually engaged to sign them as they are found annexed to the present protocol.

In drawing up the 4th of these articles, the plenipotentiaries of Russia recollected that they proposed to the plenipotentiary of the United States to arrange the said article in the following terms:

ARTICLE 4. "It is, nevertheless, understood that the ships of the two powers, or which belong to their citizens or subjects, respectively, may mutually frequent, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks upon the said coast, for the purpose of there fishing and trading with the natives of the country. But the reciprocal right granted by this article shall cease, on both sides, after a term of ten years, to be counted from the signing of the present convention."

The plenipotentiaries of Russia added, that, after agreeing to this arrangement, the plenipotentiary of the United States had afterwards invited them to change the ending of this very article, and agree to it as it is found signed in the convention, observing that this second arrangement, more conformable to the letter of the instructions which he received, is the only one which he thinks himself authorized to sign; but, moreover, that this arrangement does not essentially alter the sense of that which had been proposed by the plenipotentiaries of Russia, because, at the end of the term mentioned, the stipulation ceasing equally by the two arrangements, the reciprocal power of trading granted by that stipulation cannot be prolonged beyond the said term but by mutual agreement.

Under these observations the article in question has been signed, with the modification which the plenipotentiary of the United States had demanded to be there introduced.

After which, all the other articles were also signed respectively, and it was resolved to proceed to the signature of the convention itself on the fifth following.

Done at St. Petersburg, April 2, (14,) 1824.

HENRY MIDDLETON.
NESSELRODE.
POLETICA.

No. 35 (*s*).

Protocol.

[Translation.]

The undersigned, having engaged by the protocol of their last conference to sign on the 5th April of the present year the convention of

which they signed all the articles, assembled this day at two o'clock in the afternoon, at the hotel inhabited by Count Nesselrode, and after having duly collated with the said articles the two copies of the convention which they had caused to be prepared, they have attached to both their respective signatures and the seal of their arms.

Done at St. Petersburg, April 5, (17,) 1824.

HENRY MIDDLETON.
NESSELRODE.
P. POLETICA.

No. 35 (*c*.). [Extract, Mr. Canning to Sir Charles Bagot, *post* p. 149.]

Mr. Middleton to Mr. Adams.

No. 38.] ST. PETERSBURG, *30/18 August 1824.*

SIR: * * *

I should not omit upon this occasion to state that Sir Charles Bagot has informed me since the Emperor's departure, that no arrangement upon the territorial question between Russia and England on the northwest coast has taken place, both parties insisting upon the points I have stated in a former despatch. The ambassador having taken his leave, and intending to depart in a very short time, all farther negotiation upon this point must of course be left to his successor.

I can not quit this subject without mentioning that I have anxiously examined the Congressional proceedings of the last session, hoping to discover that some legislative provision might have been made for strengthening our establishment upon the northwest Coast. From various indications perceptible in the course pursued by England in relation to this question, it would appear that her views embrace a large portion of this Coast, the monopoly of the trade to which she will one day or other endeavor to secure to herself, unless her measures be counteracted by some actual occupation. If in addition to the Fort at Astoria, the United States should establish a military post at some point within the Streights of Fuca, say on the left bank of the first bold river discharging its waters into the interior Sea of which those streights form one of the mouths; these two posts, together with the southern boundary secured by our treaty of limits with Spain, would establish an undoubted right to as much of that territory as it would in all probability be desirable to hold. If some measure of this kind be not carried into effect, our northern boundary will, at some future time, become a matter of difficult adjustment, and possibly a source of angry discussion or even war with England.

* * * * * * *

I have, etc.,

HENRY MIDDLETON.

Minister of Finance to the Board of Administration of the Russian-American Company.

ST. PETERSBURG, *September 4, 1824.*

The communication of the 12th June, 1824, presented to me by the Directors of the Company, containing their remarks on the conse-

quences which may result from the ratification of the Convention concluded 5th April, 1824, between our Court and the North American Republic, was communicated by me at that time in the original to the Minister in charge of the Ministry of Foreign Affairs. Having now received from him the information that the recorded Protocol of the proceedings of the Special Committee which examined this subject by Imperial order has received the full and entire approval of His Imperial Majesty, I think it necessary to communicate to the Board of Administration of the Russian-American Company, for their information, copies of the above-mentioned communication of Count Nesselrode to me, and also the proceedings of the Committee of the 21st July, 1824, inclosed in it, together with a draft of a communication to me, prepared by his Excellency; which was also read in the above-named Committee and was left unsigned after it had been given final consideration.

From these documents the Board will see that, for the avoidance of all misunderstandings in the execution of the above-mentioned Convention, and in conformity with the desire of the Company, the necessary instructions have already been given to Baron Tuyll, our Minister at Washington, to the effect that the north-western coast of America, along the extent of which, by the provisions of the Convention, free trading and fishing are permitted subjects of the North American States, extends from 54° 40′ northwards to Yakutat (Bering's) Bay.

Lieutenant-General KANKRIN,
Minister of Finance.

Y. DRUSHININ, *Director.*

DIPLOMATIC CORRESPONDENCE RELATING TO THE TREATY OF 1825 BETWEEN GREAT BRITAIN AND RUSSIA.

Baron Nicolay to the Marquis of Londonderry.—(*Received November 12.*)

LONDRES, *le 31 Octobre* (*12 Novembre*), *1821.*

Le Soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté l'Empereur de Toutes les Russies, s'empresse de s'acquitter auprès de son Excellence M. le Marquis de Londonderry des ordres qu'il vient de recevoir de sa Cour en portant à la connaissance du Ministère Britannique la communication suivante.

Au moment de renouveler le privilège de la Compagnie Russe-Américaine et de soumettre à une révision les Règlemens concernant ses opérations commerciales, le Gouvernement Impérial a dû vouer une attention particulière aux plaintes auxquelles ont plus d'une fois donné lieu les entreprises de contrebandiers et d'aventuries étrangers sur les côtes nord-ouest de l'Amérique appartenant à la Russie. Il a été reconnû que ces entreprises n'ont pas seulement pour objet un commerce frauduleux de pelleteries et autres articles exclusivement réservés à la Compagnie Russe-Américaine, mais qu'elles paroissent souvent même trahir une tendance hostile; attendû que des gens sans aveu viennent fournir des armes et des munitions aux naturels dans les posessions Russes d'Amérique, et qu'ils les excitent en quelque sorte à la résistance et à la révolte contre les autorités qui s'y trouvent établies. Il étoit donc essentiel e'opposer des mesures sévères à ces menées, et de garantir la Compagnie contre les préjudices sensibles qui en résultoient pour elle, et c'est dans cette vue que le Règlement ci-joint vient d'être publié.

Après avoir ainsi exposé les motifs qui ont dicté ce Règlement, le Soussigné a ordre d'y ajoutor les explications suivantes.

Le nouveau Règlement n'interdit point aux bâtimens étrangers la navigation dans les mers qui baignent les possessions Russes sur les côtes nord-ouest de l'Amérique et nord-est de l'Asie. Une défense pareille, qui'l n'eût pas été difficile d'appuyer d'une force navale suffisante, auroit été à la vérité le moyen le plus efficace de protéger les intérêts de la Compagnie Russe-Américaine, et elle sembleroit en outre fondée sur des droits incontestables. Car, d'un côté éloigner une fois pour toutes, des plages indiquées ci-dessus, les navires étrangers, c'étoit faire cesser à jamais les entreprises coupables qu'il s'agit de prévenir. D'un autre côté, en considérant les possessions Russes qui s'étendent, tant sur la côte nord-ouest de l'Amérique, depuis le Détroit de Behring jusqu'au 51° de latitude septentrionale, que sur la côte opposée d l'Asie et les îles adjacentes, depuis le même détroit jusqu'au 45°, on ne sauroit disconvenir que l'espace de mer dont ces possessions forment les limites ne réunisse toutes les conditions que les publicistes les plus connus et les mieux accrédités ont attachées à la définition *d'une mer fermée*, et que

par conséquent le Gouvernement Russe ne se trouve parfaitement autorisé à exercer sur cette mer des droits de souveraineté, et nommément celui d'interdire l'approche aux étrangers. Cependant, quelque importantes que fussent les considérations que réclamoient une semblable mesure, quelque légitime qu'elle eût été en elle-même, le Gouvernement Impérial n'a pas voulû, dans cette occasion, faire usage d'une faculté qui lui assurent les titres de possession les plus sacrés, et que confirment d'ailleurs des autorités irréfragables. Il s'est borné au contraire, comme on a lieu de s'en convaincre par le Règlement nouvellement publié, à défendre à tout bâtiment étranger, non seulement d'aborder dans les Établissemens de la Compagnie Américaine, comme dans la presqu'île du Kamtchatka et les côtes de la Mer d'Ochotsh, mais aussi de naviguer le long de ces possessions et en général, d'en approcher à une distance de 100 milles d'Italie.

Des vaisseaux de la marine Impériale viennent d'être expédiés pour veiller au maintien de cette disposition. Elle nous paroit aussi légale qu'elle a été urgente. Car, s'il est démontré que le Gouvernement Impérial eut eu à la rigueur la faculté de fermer entièrement aux étrangers cette partie de l'Océan Pacifique, que bordent nos possessions en Amérique et en Asie, à plus forte raison le droit en vertu duquel il vient d'adopter uno mesure beaucoup moins généralement restrictive doit ne pas être révoqué en doute. Ce droit est en effet universellement admis, et toutes les Puissances Maritimes l'ont plus ou moins exercé dans leur système colonial. Enfin, l'usage que le Gouvernement Impérial vient d'en faire en faveur de la Compagnie Russe-Américaine, ne sauroit préjudicer aux intérêts d'aucune nation attendû qu'il n'est guère à supposer, qu'outre les exceptions spécifiées dans notre Règlement, un vaisseau étranger quelconque puisse avoir des motifs réels et légitimes pour relâcher aux Établissemens Russes. La Cour Impériale aime donc à espérer que les Puissances auxquelles ce nouveau Règlement est communiqué reconnoitront les considérations majeures qui lui ont servi de base, et que, par une suite des relations de paix et de bonne harmonie qui subsistent entre elles et la Russie, elles n'hésiteront pas à imposer à leurs sujets respectifs le devoir de s'y conformer strictement, afin de prévenir les inconvéniens auxquels une contravention de leur part donneroit lieu nécessairement.

Les officiers commandant les bâtimens de guerre Russes qui sont destiné à veiller dans l'Océan Pacifique au maintien des dispositions susmentionnées, ont reçû l'ordre commencer à les mettre en vigueur envers ceux des navires étrangers qui seroient sortis d'un des ports de l'Europe après le 1er Mars, 1822, ou des États-Unis après le 1er Juillet. A dater de ces époques aucun navire ne pourra plus légalement prétexter l'ignorance du nouveau Règlement.

Le Soussigné saisit, &c.

LE BARON DE NICOLAY.

[Translation.]

Baron Nicolay to the Marquis of Londonderry.—(Received November 12).

LONDON, *October 31st (November 12), 1821.*

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of all Russia, hastens to make known

to His Excellency the Marquis of Londonderry the orders which he has just received from his Court by bringing to the attention of the British Ministry the following communication.

On the point of renewing the privilege of the Russian-American Company and submitting to a revision the rules concerning its commercial operations, the Imperial Government was obliged to devote special attention to the complaints to which the undertaking of smugglers and foreign adventurers on the north-west coast of the America belonging to Russia have more than once given rise. It has been recognized that those undertakings have not only as an object a fraudulent trade in furs and other articles exclusively reserved to the Russian-American Company, but that they appear even often to betray a hostile tendency; inasmuch as vagabonds come and furnish arms and ammunition to the natives in the Russian Possessions of America and as they excite them to a certain extent to resistance and rebellion against the authorities which are established there. It was then essential to oppose severe measures to those proceedings and to guarantee the Company against the considerable losses which resulted from them, and it is with this view that the regulation herewith has just been published.

Having thus set forth the motives which have dictated this regulation, the Undersigned is instructed to add to it the following explanations:

The new regulation does not forbid foreign vessels to navigate in the seas which wash the Russian Possessions on the North-West Coasts of America and North-East of Asia. Such a prohibition which it would not have been difficult to support with a sufficient naval power, would have been, in truth, the most efficacious way to protect the interests of the Russian American Company, and it would seem besides to be based on unquestionable rights. For, on the one hand, to keep away foreign vessels, once for all from the coasts mentioned above was to stop forever the guilty enterprise the prevention of which is under consideration. On the other hand, in considering the Russian Possessions which extend both on the North-West Coast of America from Behring's Straits to 51° of north latitude and on the opposite coast of Asia and the adjacent islands from the same straits to the 45°, it cannot be denied that the space of sea of which those possessions are the limits does not unite all the conditions which the best known and best accredited publicists have applied to the definition, a close sea (une mer fermée) and that consequently the Russian Government does not find itself absolutely authorized to exercise on that sea rights of sovereignty and especially that to forbid the approach of foreigners. Nevertheless however important were the considerations which demanded such a course, however justifiable it was in itself, the Imperial Government did not wish, on that occasion, to make use of a privilege which the most sacred titles of possession assure to it and which moreover unquestionable authorities confirm. It contented itself, on the contrary, as may be seen by the regulations newly published, with forbidding all foreign vessels, not only to land at the Establishments of the American Company and on the peninsula of Kamtchatka and the coasts of the Sea of Ochotsk, but also to navigate along those possessions, and, in general, to approach them within a distance of 100 Italian miles.

2. Some vessels of the Imperial Navy have just been despatched in order to enforce the maintenance of that provision. It appears to us

as lawful as urgent. Because, if it is demonstrated that the Imperial Government had had, strictly speaking, the right to close entirely to foreigners this part of the Pacific Ocean which bounds our possessions in America and in Asia, with greater reason, the right in pursuance of which it has just adopted a measure far less generally restrictive should not be called in question. This right is, in fact, universally admitted and all the Maritime powers have more or less exercised it in their colonial system.

Finally, the use that the Imperial Government has just made of it in favor of the Russian-American Company, could not be prejudicial to the interests of any nation, because it is scarcely to be supposed that beyond the specified exceptions in our regulations, any foreign vessel could have real and legitimate grounds for putting into Russian Establishments. The Imperial Court would gladly hope that the Powers to whom this new regulation is communicated will recognize the strong reasons which have served as a basis for it, and that, in virtue of the relations of peace and good harmony which exist between them and Russia, they will not hesitate to impose on their respective subjects the duty to strictly conform themselves to it in order to prevent the inconveniences to which a contravention on their part will necessarily lead.

The officers commanding the Russian men of war who are destined to enforce in the Pacific Ocean the execution of the said provisions, have received the order to begin to put them in force against the foreign vessels which may depart from European Ports after March 1st, 1822 or from the United States after July 1st. From these dates no ship can legally pretend ignorance of the new regulation.

The Undersigned avail, etc.

BARON DE NICOLAY.

Count Lieven to the Marquis of Londonderry.—(*Received November 30.*)

Le Comte de Lieven présente ses compliments à Milord Londonderry, et a l'honneur de transmettre ci-joint à son Excellence la copie qu'elle lui a demandée de la dépêche de M. le Comte de Nesselrode, en date du 7 Octobre, *sub* No. 29.

HARLEY STREET, *Londres, le 29 Novembre, 1821.*

[Inclosure 1.—Circulaire.]

Count Nesselrode to Count Lieven.

SAINT-PÉTERSBOURG, *le 7 Octobre, 1821.*

M. LE COMTE: Au moment de renouveler le privilège de la Campagnie Russe-Américaine, et de soumettre à une révision des Règlemens concernant ses opérations commerciales, le Gouvernment a dû vouer une attention particulière aux plaintes auxquelles ont plus d'une fois donné lieu les entreprises de contrebandiers et aventuriers étrangers sur les côtes nord-ouest de l'Amérique appartenant à la Russie.

Il a été reconnu que ces entreprises n'ont pas seulement pour objet un commerce frauduleux de pelleteries et d'autres articles exclusivement réservés à la Compagnie Russe-Américaine, mais qu'elles paroissent souvent même trahir une tendance hostile; attendû que des gens sans aveu viennent fournir des armes et des munitions aux naturels dans nos possessions d'Amérique, et qu'ils les excitent en quelque sorte à la résistance et à la révolte contre les autorités qui s'y trouvent établies.

Il était donc essentiel d'opposer des mesures sévères à ces menées, et de garantir la Compagnie contre les préjudices sensibles qui en résultoient pour elle: et c'est dans cette vue que le Règlement ci-joint vient d'être publié. Les Missions Impériales sont invitées à le porter à la connaissance des Gouvernements auprès desquels elles sont accrédités, et à leur exposer les motifs qui l'ont dicté en y ajoutant les explications suivantes.

Le nouveau Règlement n'interdit point aux bâtimens étrangers la navigation dans les mers qui baignent les possessions Russes sur les côtes nord-ouest de l'Amérique et nord-est de l'Asie. Une défense pareille qu'il n'eût pas été difficile d'appuyer d'une force navale suffisante, auroit été, à la vérité, le moyen le plus efficace de protéger les intérêts de la Compagnie Russe-Américaine, et elle sembleroit en outre fondée sur des droits incontestables. Car, d'un côté éloigner une fois pour toutes, des plages indiquées ci-dessus, les navires étrangers, c'étoit faire cesser à jamais les entreprises coupables qu'il s'agit de prévenir. D'un autre côté, en considérant les possessions Russes qui s'étendent, tant sur la côte nord-ouest de l'Amérique, depuis le Détroit de Behring jusqu'au 51° de latitude septentrionale, que sur la côte opposée de l'Asie et les îles adjacentes, depuis le même détroit jusqu'au 45°, on ne sauroit disconvenir que l'espace de mer dont ces possessions forment les limites ne réunisse toutes les conditions que les publicistes les plus connûs et les mieux accrédités ont attachés à la définition *d'une mer fermée*, et que par conséquent le Gouvernement Russe ne se trouve parfaitement autorisé à exercer sur cette mer des droits de souveraineté, et nommément celui d'en interdire l'approche aux étrangers. Cependant quelque importantes que fûssent les considérations que réclamoient une semblable mesure, quelque légitime qu'elle eût été en elle-même, le Gouvernement Impérial n'a pas voulu, dans cette occasion, faire usage d'une faculté que lui assurent les titres de possession les plus sacrés, et que confirment d'ailleurs des autorités irréfragables. Il s'est borné, au contraire, comme on a lieu de s'en convaincre par le Règlement nouvellement publié, à défendre à tout bâtiment étranger, non seulement d'aborder dans l'Établissement de la Compagnie Américaine, comme dans la presqu'île du Kamtchatka, et les côtes de la Mer d'Ochotsh, mais aussi de naviguer le long de ces possessions, et, en général, d'en approcher à une distance de 100 milles d'Italie.

Des vaisseaux de la marine Impériale viennent d'être expédiés pour veiller au maintien de cette disposition. Elle nous paroit aussi légale qu'elle a été urgente. Car s'il est démontré que le Gouvernement Impérial eût eu à la rigueur la faculté de fermer entièrement aux étrangers cette partie de l'Océan Pacifique, que bordent nos possessions en Amérique et en Asie, à plus forte raison le droit en vertu duquel il vient d'adopter une mesure beaucoup moins généralement restrictive, doit ne pas être révoqué en doute. Ce droit est, en effet, universellement admis, et toutes les Puissances Maritimes l'ont plus ou moins exercé dans leur système colonial. Enfin, l'usage que le Gouvernement Impérial vient d'en faire en faveur de la Compagnie Russe-Américaine, ne sauroit préjudicier aux intérêts d'aucune nation, attendu qu'il n'est guère à supposer, qu'outre les exceptions spécifiées dans notre Règlement, un vaisseau étranger quelconque puisse avoir des motifs réels et légitimes pour relâcher aux Etablissemens Russes. Nous aimons donc à espérer que les Puissances auxquelles ce nouveau Règlement va être communiqué reconnoitront les considérations majeures qui lui ont servi de base, et que, par une suite des relations de paix et de bonne harmonie qui subsistent entre elles et la Russie, elles n'hésiteront pas à imposer à leurs sujets respectifs le devoir de s'y conformer strictement, afin de prevenir les inconvéniens auxquels une contravention de leur part donneroit lieu nécessairement.

Sa Majesté l'Empereur désire que les Missions obtiennent ce résultât en s'acquittant de la communication que leur prescrit la présente Circulaire.

Recevez, &c.

NESSELRODE.

P. S.—En dressant les instructions pour les officiers commandant les bâtimens de guerre Russes qui sont destinés à veiller, dans l'Océan Pacifique, au maintien des dispositions nouvellement arrêtées à l'égard des Etablissemens de la Compagnie Russe-Américaine, le Gouvernement Impérial est parti de la supposition qu'un navire étranger qui auroit fait voile d'un des ports de l'Europe, après le 1er Mars, 1822, ou d'un des ports des États-Unis, après le 1er Juillet de la même année, ne pourroit plus légalement prétexter l'ignorance du nouveau Règlement. Nos marins ont donc reçu l'ordre de régler en conséquence leur conduite quant à l'époque à dater de laquelle ils auroient à mettre en vigueur les dispositions susmentionnées.

Nous croyons devoir communiquer ces notions additionnelles aux Missions Impériales, en les invitant à les porter également à la connoissance des Gouvernemens auprès desquels elles sont accréditées, afin de compléter ainsi les informations renfermées dans la Circulaire de ce jour.

N.

[Inclosure 2 is the imperial Russian ukase of September 4, 1821, see *ante* page 25.]

[Translation.]

Count Lieven to the Marquis of Londonderry.—(*Received November 30.*)

Count Lieven presents his compliments to Lord Londonderry and has the honor to transmit herewith to His Excellency the Copy which he has asked of the despatch of Count de Nesselrode, dated October 7, No. 29.

HARLEY STREET, *London*, *November 29*, *1821.*

[Inclosure 1.—Circular.]

[Translation.]

Count Nesselrode to Count Lieven.

ST. PETERSBURG, *October 7*, *1821.*

On the point of renewing the privilege of the Russian-American Company and submitting to a revision the Rules concerning its commercial operations, the Government was obliged to devote especial attention to the complaints to which the undertakings of smugglers and foreign adventurers on the North-West coasts of America belonging to Russia have more than once given rise. It has been recognized that the undertakings have not only as an object a fraudulent trade in furs and other articles exclusively reserved to the Russian-American Company, but that they appear even often to betray a hostile tendency; inasmuch as vagabonds come and furnish arms and ammunition to the natives in our possessions of America and that they excite them to a certain extent to resistance and rebellion against the authorities which are established there.

It was then essential to oppose severe measures to those proceedings, and to guarantee the company against the considerable losses which resulted from them and it is with this view that the regulation herewith has just been published. The Imperial Missions are invited to inform the Governments near which they are accredited and to set forth the motives which have dictated it, adding the following explanations.

The new regulation does not forbid foreign vessels to navigate in the seas which wash the Russian Possessions on the North-West coasts of America, and North-East of Asia. Such a prohibition which it would not have been difficult to support with a sufficient naval power, would have been, in truth, the most efficacious way to protect the interests of the Russian-American Company, and it would seem besides to be based on unquestionable rights. For, on the one hand, to keep away once for all from the coasts mentioned above foreign vessels, was to stop forever the guilty enterprises the prevention of which is under consideration.

On the other hand, in considering Russian Possessions which extend on the North-West Coast of America from Behring's Straits to 51° of North latitude, and on the opposite coast of Asia and the adjacent islands, from the same straits to the 45°, it cannot be denied that the space of sea which those possessions are the limits does not unite all the conditions which the best known and best accredited publicists have applied to the definition, a close sea (une mer fermée), and that

consequently the Russian Government does not find itself absolutely authorized to exercise on that sea rights of sovereignty, and especially that to forbid the approach of foreigners. Nevertheless however important were the considerations which demanded such a course, however justifiable it was in itself, the Imperial Government did not wish, on that occasion, to make use of a privilege which the most sacred titles of possession assure to it and which moreover unquestionable authorities confirm. It contented itself, on the contrary, as may be seen by the regulations newly published with forbidding all foreign vessels, not only to land on the Establishments of the American Company and on the peninsula of Kamtchatka and the coasts of the sea of Ochotsk, but also to navigate along those possessions, and, in general, to approach them within a distance of 100 Italian miles.

Some vessels of the Imperial navy have just been dispatched in order to enforce the maintenance of that provision. It appears to us as lawful as it is urgent. Because, if it is demonstrated that the Imperial Government had had, strictly speaking, the right to close entirely to foreigners this part of the Pacific Ocean which bounds our possessions in America and in Asia, with greater reason the right in pursuance of which it has just adopted a measure far less generally restrictive, must not be called in question. This right is, in fact, universally admitted and all the Maritime Powers have more or less exercised it in their colonial system. Finally, the use that the Imperial Government has just made of it in favor of the Russian-American Company, could not be prejudicial to the interests of any nation, because it is scarcely to be supposed that beyond the specified exceptions in our regulations any foreign vessel could have real and legitimate grounds for putting into Russian Establishments. We would gladly hope that the Powers to whom this new regulation shall be communicated will recognize the strong reasons which have served as a basis for it, and that, in virtue of the relations of peace and good harmony which exist between them and Russia, they will not hesitate to impose on their respective subjects the duty to strictly conform themselves to it in order to prevent the inconveniences to which a contravention on their part will necessarily lead.

His Majesty the Emperor desires that the Missions may obtain this result by making the communication which the present circular prescribes to them.

Accept, etc., NESSELRODE.

P. S.—In drawing up the instructions for the officers commanding the Russian men of war who are intended to enforce in the Pacific Ocean the execution of the provisions recently enacted in regard to the Establishments of the Russian-American Company, the Imperial Government proceeded on the supposition that a foreign vessel which had sailed from one of the European ports, after March 1st, 1822, or from one of the ports of the United States after July 1st of the same year, could not legally pretend ignorance of the new regulation. Our seamen have then received the order to regulate their conduct as to the date from which they should enforce the said provisions.

We believe it proper to communicate these additional views to the Imperial Missions inviting them to bring them to the attention of the Government near which they are accredited in order thus to supplement the information contained in the Circular of this day.

Sir C. Bagot to the Marquis of Londonderry.—(Received November 21.)

No. 56.] ST. PETERSBURGH, *November 17, 1821.*

MY LORD: In my despatch No. 50 of the 3rd October, I transmitted to your Lordship the heads of an Ukase which had been published here, respecting the commerce and navigation of the north-west coasts of America, the Aleutian and Kurile Isles, and the eastern coasts of Siberia.

Shortly after the date of that despatch I had an opportunity of speaking of this Ukase to Count Nesselrode, and he gave me to understand (as I then thought) that it would be communicated to me officially, accompanied by an explanation of its object, and the grounds upon which it had been issued.

After waiting several weeks for this communication, I found that it had been already made through the Imperial Ministers abroad to such of the European Powers as might have been supposed to be interested in the matter, and that it had been dispatched by a special messenger to the United States.

The circumstances will, I hope, explain to your Lordship satisfactorily the reasons for which I have so long delayed to write more fully to His Majesty's Government upon a subject which seems to me of some national importance.

I have not seen, nor do I know the nature of, the communication which may have been made to your Lordship by the Russian Ambassador in London, but in my conversation with Count Nesselrode upon the subject, he told me that the object of the measure was to prevent the "commerce interlope" of the citizens of the United States, who were not only in the habit of resorting to the Russian coasts and islands in the Pacific, for the purpose of interfering in their trade with China in the lucrative article of sea-otter skins, but were also in the constant practice of introducing prohibited articles, and especially gunpowder, into the Russian dominions in that quarter, that representations had been repeatedly made to the American Government upon the subject, who had professed to be unable to control their citizens in those distant seas, but had intimated that they should not take in ill-part, whatever measures the Russian Government might deem it expedient to adopt for the protection of their own rights.

When I found that the Ukase had been already communicated to your Lordship I abstained from entering with Count Nesselrode into any further discussion of it, or inquiring of him upon what grounds the 51st degree of north latitude (which, after the last Treaty between Spain and the United States, reduces the possessions of Great Britain to 2° of latitude) had been now declared, I believe for the first time, to be the boundary of the Russian dominion upon those coasts, but I have adverted to the novel principle involved in that Regulation of the Decree which dooms to confiscation all foreign vessels which may approach within 100 Italian miles of the Russian coasts, and I find that this extraordinary pretension has been adopted from, and is supposed to be justified by, the XIIth Article of the Treaty of Utrecht.

I have the honour to transmit to your Lordship, under a separate cover, an English translation of the Ukase, and I at the same time inclose a Map of the north-west coasts of America, and the Aleutian and Kurile Islands, which has been published in the Quarter-Master-

General's Department here, and upon which I have marked all the principal Russian Settlements.[a]

I have, &c. CHARLES BAGOT.

The King's Advocate to the Marquis of Londonderry.—(Received November 22.)

DOCTORS' COMMONS, *November 20, 1821.*

MY LORD: I am honoured with your Lordship's commands signified in Mr. Plantas' letter of the 15th instant, transmitting a note from the Russian Envoy, inclosing a printed copy of an Edict for regulating foreign trade with the Aleutian Islands, and other possessions on the north-west coast of America, appertaining to Russia.

And your Lordship is pleased to request that I would take the tenour of the Regulations therein contained into consideration, and report thereon for your Lordship's information.

In obedience to your Lordship's directions I have the honour to report that it appears to be the object of this communication to obtain indirectly from His Majesty's Government an acknowledgment of territorial rights which are assumed by Russia over a portion of sea that may become of great importance with reference to the trade of that part of the world, and the discoveries which are now directed to that quarter.

The communication indirectly asserts an exclusive right in the sovereignty "*d'une mer fermée*, sur l'espace de mer, dont les possessions" (from Behring's Straits to 51° north, on the west coast of America, and 45° north on the coast of Asia) "ferment les limites," and it proceeds to announce as a qualified exercise of that right the exclusion of all foreign ships, under pain of confiscation, from approaching within 100 miles of those coasts.

The extent of territory so assumed is much greater than is ordinarily recognized by the principles of the law of nations. And I humbly submit whether it may not be expedient to declare the intention of His Majesty's Government to adhere to those principles, with such observations as may be deemed expedient to deprecate any infringement on the rights of commerce and navigation that may affect Great Britain or her subjects.

I have, &c. CHRIST. ROBINSON.

Lord Stowell to Lord Melville.

GRAFTON STREET, *London, December 26, 1821.*

MY DEAR LORD: I have perused these papers, and it appears to me to be unsafe to proceed to any controversial discussion of the proposed Regulations, till it is shown that they issue from a competent authority founded upon an acknowledged title of territorial and exclusive pos-

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[a] This map is reproduced in the case of Great Britain, Fur Seal Arbitration, Appendix, Vol. IV (Congressional Edition, Vol. V, facing page 982). It is the same Russian map forwarded to the Department of State by Mr. Middleton in his despatch of September 21, 1821 (*ante*, page 31), which is Map No. 6 in the Atlas accompanying the Case of the United States. The maps forwarded by the two ministers differ slightly in the written memoranda on their face.

session of the portions of the globe to which they relate. I am myself too slightly acquainted with the facts regarding such possession (how originally acquired and how subsequently enjoyed) to be enabled to say that upon undisputed principles such a possession exists. It is perfectly clear from these Regulations that it has not hitherto been exclusive in the extent in which it is now claimed; for they are framed for the very purpose of putting an end to foreign intercourses of traffic therein, which they denominate *illicit* but which they admit existed *de facto*.

The territories claimed are of different species—islands—portions of the continent—and large portions of the sea adjoining.

I know too little of the history of their connection with either islands or continents to say with confidence that such a possession has in this case been acquired. I content myself with remarking that such possession does not appear in the opinion and practice of States to be founded exactly upon the same principles in the cases of islands and continents. In that of islands, discovery alone has usually been held sufficient to constitute a title. Not so in the case of continents. In the case of the South American Continent the Spaniards and Portuguese resorted to grants from an authority which in that age was universally respected, and continued in respect till subsequent possession had confirmed their title. But I think that it has not been generally held, and cannot be maintained that the mere discovery of a coast gives a right to the exclusive possession of a whole extensive continent to which it belongs, and less to the seas that adjoin to a very considerable extent of distance. An undisputed exercise of sovereignty over a large tract of such a continent and for a long tract of time would be requisite for such purposes. I am too ignorant of particular facts to say how far such principles are justly applicable to such cases. I observe that by these Regulations the commerce in these islands, continents, and adjoining seas is declared to have been granted exclusively to Russian subjects; who the granter is, is not expressly declared. If, as is probable, the Autocrat of Russia is meant, the inquiry then reverts to the question respecting the foundation of such an authority, and thinking that that question must be first disposed of, I content myself with observing upon the Regulations themselves that they are carried to an extent that appears very unmeasured and insupportable.

I have, &c. STOWELL.

Board of Trade to Foreign Office.—(Received January 7.)

OFFICE FOR TRADE, *London, January 7, 1822.*

DEAR SIR: The inclosed seems to contain all the information that we can expect from the persons interested in the southern whale fishery; but I will try and squeeze a little more out of them if I can.

Pray let me have the inclosed back, as it is an original, or if you will return it when you have read it, I will send you a copy to-morrow.

Mr. Robinson desired me to inform the parties that the point in question was too high matter for this Committee to do anything in its Board of Trade capacity.

I am, &c. THOS. LOCK.

[Inclosure.]

Messrs. S. Enderby & Son and Mr. W. Mellish to Board of Trade.

PAUL'S WHARF, *London, November 27, 1821.*

MY LORDS: We most respectfully address your Lordships on the subject of an Ordinance or Ukase issued by the Emperor of Russia on the 9th October last. The 1st Article of that Ordinance in a sweeping way forbids all but subjects of Russia from commencing a whale fishery from Behring's Straits to 51° north latitude on the north-west coast of America as well as in the Aleutian Islands on the east coast of Siberia and Kurile Islands, that is to say, from Behring's Straits to the south Cape in the Island Ooroop in 45° 51′ north latitude. By this Article it appears that British ship-owners and merchants are forbidden from attempting to carry on any fishery or branch of industry, under penalties, to the north of 51° north latitude on the north west coast of America, or to the north of 45° 51′ north latitude on the eastern coasts of the North Pacific Ocean.

The 2nd Article forbids all foreign vessels touching at the Russian Establishments within the above stated limits, or even to approach them within a less distance than 100 Italian miles, the cargo to be forfeited, without it can be proved that the vessel is in want of provisions or driven in by tempestuous weather.

These two leading Articles in the Ordinance we consider as a declaration of war against the commerce and fishing of British merchants if their enterprize carries their ships to the north of the limits laid down by Russia. One British ship of 500 tons employed in the whale fishery has recently been as far as 47½° north latitude on the east coast, and found *sperma cetæ* whales so plenty that great numbers of vessels will sail immediately after the 1st January if we receive the protection we earnestly solicit from our Government against this extraordinary Ordinance. Two British ships nearly about the same time that the above ship sailed for the coast of Japan sailed for the whale fishery on the north-west coast of America we believe into Behring's Straits. We are at present unacquainted with their success.

We have no doubt if we are protected in a *fair* trade (not with China) and fishery in the North Pacific Ocean, that British enterprize will find some islands in that great ocean which may have been overlooked by the Russians and Americans, who are both attempting to shut the shipping of Great Britain out of that ocean by not allowing us to have any friendly port to resort to.

If Captain Parry is successful in effecting a passage into the North Pacific Ocean either through Behring's Straits or elsewhere, the Russian Ukase will prevent our fishing in those Straits or making any use of the discovery for commercial purposes.

Waiting your Lordship's directions for our future government, we have, &c.

SAM. ENDERBY & SON.
WILLM. MELLISH.

The Marquis of Londonderry to Count Lieven.

FOREIGN OFFICE, *January 18, 1822.*

The Undersigned has the honour hereby to acknowledge the note, addressed to him by Baron de Nicolai of the 12th November last, covering a copy of an Ukase issued by His Imperial Majesty the Emperor of All the Russias, and bearing date the 4th September, 1821, for various purposes, therein set forth, especially connected with the territorial rights of his Crown on the north-western coast of America, bordering upon the Pacific, and the Commerce and navigation of His Imperial Majesty's subjects in the seas adjacent thereto.

This document, containing Regulations of great extent and importance, both in its territorial and maritime bearings, has been considered with the utmost attention, and with those favourable sentiments which His Majesty's Government always bear towards the acts of a State which His Majesty has the satisfaction to feel himself connected, by the most intimate ties of friendship and alliance; and having been referred for the report of those high legal authorities, whose duty it is to advise His Majesty on such matters.

The Undersigned is directed, till such friendly explanations can take place between the two Governments as may obviate misunderstanding upon so delicate and important a point, to make such provisional protest against the enactments of the said Ukase as may fully serve to save the rights of His Majesty's Crown, and may protect the persons and properties of His Majesty's subjects from molestation in the exercise of their lawful callings in that quarter of the globe.

The Undersigned is commanded to acquaint Count Lieven that it being the King's constant desire to respect, and cause to be respected by his subjects in the fullest manner, the Emperor of Russia's just rights, His Majesty will be ready to enter into amicable explanations upon the interests affected by this instrument, in such manner as may be most acceptable to His Imperial Majesty.

In the meantime, upon the subject of this Ukase generally, and especially upon the two main principles of claim laid down therein, viz., an exclusive sovereignty alleged to belong to Russia over the territories therein described, as also the exclusive right of navigating and trading within the maritime limits therein set forth, his Britannic Majesty must be understood as hereby reserving all his rights, not being prepared to admit that the intercourse which is allowed on the face of this instrument to have hitherto subsisted on those coasts, and in those seas, can be deemed to be illicit, or that the ships of friendly Powers, even supposing an unqualified sovereignty was proved to appertain to the Imperial Crown in these vast and very imperfectly occupied territories, could, by the acknowledged law of nations, be excluded from navigating within the distance of 100 Italian miles as therein laid down from the coast, the exclusive dominion of which is assumed (but, as His Majesty's Government conceive, in error) to belong to His Imperial Majesty the Emperor of All the Russias.

LONDONDERRY.

The Marquis of Londonderry to Sir C. Bagot.

No. 5.] FOREIGN OFFICE, *January 19, 1822.*

SIR: With reference to your Excellency's several despatches relative to the Ukase lately issued by the Emperor of Russia under date the 4th September last, for various purposes therein set forth, especially connected with the territorial rights of his Crown on the north-western coast of America, bordering upon the Pacific, and the commerce and navigation of His Imperial Majesty's subjects in the seas adjacent thereto, I have now the honour to inclose you a copy of a note which, by His Majesty's command, I have addressed to the Count de Lieven, the Russian Ambassador in London, upon this subject: I am to desire, that in any communications which you may have with the Russian Government relative to this Ukase, you will conform yourself to the tenour of the note herewith sent.

I am, &c. LONDONDERRY.

Mr. Stratford Canning to the Marquis of Londonderry.—(Received March 21.)

No. 11.] WASHINGTON, *February 19, 1822.*

MY LORD: I was informed this morning by Mr. Adams that the Russian Envoy has, within the last few days, communicated officially to the American Government an Ukase of the Emperor of Russia, which has lately appeared in the public prints, appropriating to the sovereignty and exclusive use of His Imperial Majesty the north-west coast of America down to the 51st parallel of latitude, together with a considerable portion of the opposite coasts of Asia, and the neighbouring seas to the extent of 100 Italian miles from any part of the coasts and intervening islands so appropriated. In apprizing me of this circumstance, Mr. Adams gave me to understand that it was not the intention of the American Cabinet to admit the claim thus notified on the part of Russia. His objection appears to lie more particularly against the exclusion of foreign vessels to so great a distance from the shore.

The note given in by M. de Poletica is confined, I believe, to a mere communication of the Emperor's Ukase, and of the periods at which it will begin to have force, viz., from the 1st March with respect to European vessels, and from the 1st July for vessels from this country.

Mr. Adams inquired whether I had heard from your Lordship on this head, and on the supposition that a similar communication had in all probability been made by the Russian Ambassador in London, appeared desirous of learning the course which His Majesty's Government intended to adopt with reference to it. I could only reply by saying that I had not yet received any intimation from your Lordship on the subject.

I have, &c. STRATFORD CANNING.

Hudson's Bay Company to the Marquis of Londonderry.—(Received March .)

HUDSON'S BAY HOUSE, *London, March 27, 1822.*

MY LORD: It has fallen under the observation of the Governor and Committee of the Hudson's Bay Company that the Russian Government have made a claim to the north-west coast of America, from Behring's Straits to the 51st degree of north latitude; and in an Imperial Ukase have prohibited foreign vessels from approaching the coast within 100 miles, under penalty of confiscation. Likewise that the American Government are claiming a very considerable extent of country bordering on the Pacific Ocean; and that a Bill is in progress in the House of Representatives for settling the Columbia and forming it into a State of the Union.

In the Report presented to the House on which this Bill is founded, the Committee state that the title of the United States to the sovereignty of the territory from the 41st degree to the completion of the 53rd degree of north latitude is unquestionable; but that, in the opinion of the Committee, the American Government have a good claim as far as 60° north latitude.

I need not remind your Lordship that a large portion of that country

was discovered by British navigators, and taken possession of on behalf of Great Britain; nor of the affair of Nootka Sound, in 1789, in consequence of aggressions committed upon British subjects on that coast; but it may be necessary to state to your Lordship that the Americans had no trade with the natives until long after the British Establishments had been formed in the country to the westward of the Rocky Mountains.

In the year 1792 Sir Alexander McKenzie, then a partner in the late North-West Company, explored from the interior the country west of the Rocky Mountains, and was the first who penetrated to the Pacific Ocean. In the preceding year Captain Vancouver had surveyed the Columbia River from the mouth to the Falls, 200 miles from the sea.

For above twenty years the British fur traders have had Settlements, and the Company have an Establishment of 200 men on the Columbia River at this period, and large and valuable Establishments to the northward.

It was not till the year 1806 that the Americans explored this country, when an expedition was fitted out under Captains Lewis and Clarke, who proceeded to the head of the Mississourie, thence across the Rocky Mountains to the River Columbia, and down it to the mouth, and returned by the same route. Soon after the return of these gentlemen an American Chartered Company was established under the name of the Pacific Fur Company, who began their operations in 1810. Ships were sent and a fort built at the mouth of the Columbia. This fort was given up to the late North-West Company in the American War, when they bought of the Pacific Fur Company their whole stock-in-trade, and the country was abandoned by the Americans, and they have not since had any traders in the Columbia, or to the northward.

The fort, after the Treaty of Ghent, was demanded by the American Government as included, with other fortified places in that Treaty, although it is more properly only a trading station, and it has been delivered up, but it remains unoccupied.

By a Convention in October 1818, subsequent to the Treaty, it was agreed by the Contracting Parties that the country in question, for the purposes of trade, was to be free to the subjects of both nations for ten years.

The fur trade of Great Britain, by an Act of last Session and grant from His Majesty, is vested in the Hudson's Bay Company; I cannot, therefore, refrain from calling your Lordship's attention to this matter as of considerable importance at the present moment, and not unlikely to lead to very unpleasant occurrences at some future period, if no notice is taken of these proceedings of the Russian and American Governments, the effect of which would be to exclude British subjects from the northwest coast of America, and a valuable trade in the interior.

I have, &c. J. H. Pelly, *Deputy Governor.*

Earl Bathurst to the Duke of Wellington.

Downing Street, *September 14, 1822.*

My Lord: I have the honour to transmit, for your Grace's guidance in the execution of the commission with which His Majesty has been

pleased to intrust you in consequence of the lamented death of the Marquis of Londonderry, a Memorandum which was originally drawn up by his Lordship, and, having been approved by His Majesty's confidential servant, was submitted to His Majesty's Government and received His Majesty's sanction.

I am, &c. BATHURST.

[Inclosure.]

Memorandum.

The subject-matter upon which the allied Ministers will have to deliberate at the approaching meeting at Vienna may be classed under the following heads:

1. The Turkish question, internal and external.
2. The Spanish question, European and American.
3. The Affairs of Italy.

As British points, the Slave Trade, the Austrian Debt, and the late Russian Ukase will demand attention.

* * * * * * *

Upon the Russian Ukase the objections to its enactment, in principle, are set forth in the note addressed to Count Lieven in reply to his communication of the Ukase to the British Government. The duty of the British Plenipotentiary will be to bring the Russian Cabinet to some distinct explanation as to the mode in which the differences of opinion on this instrument may be reconciled.

Memorandum by the Duke of Wellington.

SEPTEMBER 11, 1822.

In the course of a conversation which I had yesterday with Count Lieven, he informed me that he had been directed to give verbal explanations of the Ukase respecting the north-west coast of America. These explanations went, he said, to this, that the Emperor did not propose to carry into execution the Ukase in its extended sense. That His Imperial Majesty's ships had been directed to cruize at the shortest possible distance from the shore in order to supply the natives with arms and ammunition, and in order to warn all vessels that that was His Imperial Majesty's dominion; and that His Imperial Majesty had besides given directions to his Minister in the United States to agree upon a Treaty of Limits with the United States.

It appears here that this explanation when given will be very little satisfactory; and that at best it is only a verbal explanation of a written and published Ukase, the terms of which, however contrary to the law of nations and protested against by us, must be the rule for our merchants and traders till we can obtain some document in writing which will alter it. This is the sense in which I propose to act at Vienna upon this part of the instructions, and it is desirable that I should be informed whether we have any claim to territory on the north-west coast of America, and what are the opinions and reasonings of the civilians upon the question of *dominion on the sea*.

The Russian Ministers will very probably assimilate their claim of dominion as thus verbally explained to the claim which we are supposed to have of dominion in the Narrow Seas, which it was attempted to bring into discussion at the Congress at Vienna in 1815. We avoided the discussion, and explained the practice of giving and receiving

salutes prevailing in the British navy in a manner satisfactory to all parties. But we never relinquished the claim of the dominion.

On the other hand, we have not recently claimed the dominion in a Proclamation, and warned others not to approach it.

SEPTEMBER 16, 1822.

Since writing the above I have again seen Count Lieven on this subject, and he has informed me that the Emperor has authorized his Minister in the United States to treat upon limits in North America with the United States. He gave me this instruction confidentially, and in order that if we had any claim to territory on the north-west coast of America we might bring it forward, so as not to be shut out by any agreement made between Russia and the United States.

It is desirable, therefore, that I should be informed upon this subject as soon as may be convenient.

Hudson's Bay Company to Mr. George Canning.—(Received September .)

HUDSON'S BAY HOUSE, *London, September 25, 1822.*

SIR: I have the honour to address you, on behalf of the Hudson's Bay Company, upon the subject of the claim set up by Russia to that part of the north-west coast of America which is to the north of the 51st degree north latitude.

It appears to the Directors of this Company that the claim of Russia is not well founded, and as the interests of the Company and of the British fur trade would be essentially and greatly injured, should the claims of Russia be admitted by the British Government, I feel it to be incumbent upon me, in addition to the representations which I have already made upon this subject, to state briefly the progress of the British fur trade in that part of North America, and to apprize you of the forts or trading stations, situated to the north of the 51st degree north latitude, which are now occupied by the traders and servants of this Company.

In the year 1793 Sir Alexander McKenzie crossed the Rocky Mountains in 56° 30′ north latitude, and penetrated to the Pacific Ocean in latitude 52° 20′. Immediately after his return the British fur traders sent expeditions and established trading posts in the country to the westward of the Rocky Mountains. New trading stations have been gradually formed, as the country was more fully explored, and until 1821 the whole trade of an extensive district named New Caledonia, and extending from the mouth of Fraser's River, situated about 49° north latitude to about 60° north latitude, was carried on by the British North-West Company.

The partnership of the British North-West Company being then about to expire, arrangements were made in 1821 by which the Hudson's Bay Company acquired possession of all the forts and trading stations of that Association situated in New Caledonia, as well as in other parts of British North America.

The principal forts or permanent and centrical trading stations in New Caledonia, now occupied by the traders and servants of this Company, are situated at the Rocky Mountain portage in 56° north latitude

and 121° west longitude; on Stewart's Lake, in 54° 30′ north latitude and 125° west longitude; on McLeod's Lake in 55° north latitude and 124° west longitude, and on Fraser's Lake in 55° north latitude and about 127° west longitude, and there are several minor trading posts, the situation of which are occasionally changed according to local circumstances. By these means an extensive trade is carried on with all those Indian tribes which inhabit the country from about 60° north latitude as far south as the mouth of Fraser's River, which is in about 49° north latitude, and between the Rocky Mountains and the sea.

The British fur traders have never met with the traders of any other nation in that country, and it does not appear that any part of it has ever been occupied by the subjects of Russia or of any other foreign Power.

All the considerable rivers which fall into the Pacific Ocean in this extent of coast have not yet been sufficiently explored to ascertain whether any of them are navigable with large boats, and have safe harbours at their discharge into the sea; the furs procured in that country have therefore been brought to England down the Peace River and through the Hudson's Bay Company's territories. But it is probable that, in such an extent of coast, some practicable communication with the sea will be discovered which would save the expensive transport of goods and furs through the interior of America.

A direct communication by sea is found to be advantageous in the country to the south of New Caledonia situated on the various branches of the Columbia River, where this company have extensive trading Establishments extending to the head waters of that river in the Rocky Mountains, and the same advantages would be derived from a direct communication by sea with New Caledonia.

This Company has trading Establishments also in McKenzie's River, which falls into the Frozen Ocean as far north as 66° 30′ north latitude, which carry on a trade with those Indians who inhabit the country to the west of that river and to the north of 60° of north latitude, and who, from the nature of the country, can communicate more easily with McKenzie's River than with the trading posts in New Caledonia.

I have thus given a brief outline of the British trading stations on the north-west coast of America, and I feel confident that His Majesty's Government will take the proper measures for protecting the interests of this Company and of the British fur trade in that quarter of the world.

I have, &c. J. H. Pelly, *Deputy Governor.*

Mr. G. Canning to the Duke of Wellington.

No. 6.] Foreign Office, *September 27, 1822.*

My Lord Duke: Your Grace is already in possession of all that has passed both here and at St. Petersburgh on the subject of the issue in September of last year, by the Emperor of Russia, of an Ukase indirectly asserting an exclusive right of sovereignty from Behring's Straits to the 51st degree of north latitude on the west coast of America, and to the 45th degree north on the opposite coast of Asia, and (as a qualified exercise of that right) prohibiting all foreign ships,

under pain of confiscation, from approaching within 100 Italian miles of those coasts.

The Ukase having been communicated by Baron Nicolai, the Russian Chargé d'Affaires at this Court, to His Majesty's Government, was forthwith submitted to the legal authorities whose duty it is to advise His Majesty on such matters; and a note was in consequence addressed by the late Marquis of Londonderry to Count Lieven, the Russian Ambassador, and also communicated to His Majesty's Ambassador at St. Petersburgh, protesting against the enactments of the said Ukase, and requesting such amicable explanations as might tend to reconcile the pretensions of Russia in that quarter of the globe with the just rights of His Majesty's Crown and the interests of his subjects.

As such explanations will probably be offered to your Grace during the Conferences about to take place at Vienna, I hasten to signify to you the King's commands as to the language which you will hold on the part of His Majesty upon this subject.

The opinions given in November and December last by Lord Stowell and by His Majesty's Advocate-General (copies of which are already in your possession) will furnish you with the best legal arguments in opposition to the pretensions put forward in the Russian Ukase; and as, in both these opinions, much stress is very properly laid upon the state of actual occupation of the territories claimed by Russia, and the different periods of time at which they were so occupied, I have obtained from the Governor of the principal Company of His Majesty's subjects trading in that part of the world the information which your Grace will find in the inclosed papers. That information will enable you sufficiently to prove to the Russian Ministers, not only that the point of prior discovery may be fairly disputed with Russia, but that the much more certain title of actual occupation by the agents and the trading servants of the Hudson's Bay Company extends at this moment to many degrees of higher latitude on the north-west coast of America than is claimed as the territory of Russia by the Ukase in question.

Enlightened statesmen and jurists have long held as insignificant all titles of territory that are not founded on actual occupation, and that title is in the opinion of the most esteemed writers on public law to be established only by practical use.

With respect to the other points in the Ukase which have the effect of extending the territorial rights of Russia over the adjacent seas to the unprecedented distance of 100 miles from the line of coast, and of closing a hitherto unobstructed passage, at the present moment the object of important discoveries for the promotion of general commerce and navigation, these pretensions are considered by the best legal authorities as positive innovations on the right of navigation. As such, they can receive no explanation from further discussion, nor can by possibility be justified. Common usage, which has obtained the force of law, has indeed assigned to coasts and shores, an accessorial boundary to a short limited distance for purposes of protection and general convenience, in no manner interfering with the rights of others, and not obstructing the freedom of general commerce and navigation.

But this important qualification the extent of the present claim entirely excludes, and when such a prohibition is, as in the present case, applied to a long line of coasts, and also to intermediate islands in remote seas where navigation is beset with innumerable and unforeseen difficulties, and where the principal employment of the fisheries

must be pursued under circumstances which are incompatible with the prescribed courses, all particular considerations concur, in an especial manner, with the general principle, in repelling such a pretension as an encroachment on the freedom of navigation, and the unalienable rights of all nations.

I have indeed the satisfaction to believe, from a conference which I have had with Count Lieven on this matter,—that upon these two points,—the attempt to shut up the passage altogether, and the claim of exclusive dominion to so enormous a distance from the coast,—the Russian Government are prepared entirely to waive their pretensions. The only effort that has been made to justify the latter claim was by reference to an Article in the Treaty of Utrecht which assigns 30 leagues from the coast as the distance of prohibition. But to this argument it is sufficient to answer, that the assumption of such a space was, in the instance quoted, by stipulation in a Treaty, and one to which, therefore, the party to be affected by it had (whether wisely or not) given its deliberate consent. No inference could be drawn from that transaction in favour of a claim by authority against all the world.

I have little doubt, therefore, but that the public notification of the claim to consider the portions of the ocean included between the adjoining coasts of America and the Russian Empire as a *mare clausum*, and to extend the exclusive territorial jurisdiction of Russia to 100 Italian miles from the coast, will be publicly recalled, and I have the King's commands to instruct your Grace further to require of the Russian Minister (on the ground of the facts and reasonings furnished in their despatch and its inclosures) that such a portion of territory alone shall be defined as belonging to Russia as shall not interfere with the rights and actual possessions of Her Majesty's subjects in North America.

I am, &c. GEORGE CANNING.

Baron Tuyll to Count Nesselrode.

[Extract.]

LIVERPOOL, *October 21* (*November 2*), *1822*.

Il sera sans doute expédient de faire, à cet égard, toutes les tentatives possibles, en alléguant la nouveauté de ces derniers Etablissements, la clause du Privilège des deux Compagnies réunies, posant des bornes à leur extension future, et le préjudice que la proximité de ces postes ne peut manquer de causer à l'Etablissement Russe, plus ancien & connu sous le nom de Novo-Archangelsk. Mais dans la supposition que l'on ne pût réussir à étendre les frontières de la Russie beaucoup plus vers le Sud, il serait, ce semble, indispensable de les voir au moins fixées au 55e dégré de latitude Nord, ou mieux encore, *à la pointe méridionale de l'Archipel du Prince de Galles et l'Observatory Inlet*, situés à peu près sous ce parallèle. Tout voisinage plus rapproché des Etablissements anglais ne pourrait manquer d'être préjudiciable à celui de Novo-Archangelsk, qui se trouve sous les 57° 3′.

[Translation.]

It will doubtless be expedient to make all possible attempts in this direction by alleging the newness of these last establishments, the clause of the privilege [charter] of the two united companies which

sets a limit to their future extension, and the injury which the proximity of those posts can not fail to cause the older Russian establishment, known under the name of Novo-Archangelsk. But supposing it to be impossible to succeed in extending the frontiers of Russia much farther towards the south, it seems that it would be indispensable to have them fixed at least at the fifty-fifth degree of north latitude, or, better still, at the southern point of the archipelago of the Prince of Wales and the Observatory Inlet, which are situated almost under that parallel. Any nearer neighborhood of the English establishments could not fail to be injurious to that of Novo-Archangelsk, which is in latitude 57° 3′.

The Duke of Wellington to Mr. G. Canning.—(Received December 9.)

No. 38.] VERONA, *November 28, 1822.*

SIR: I inclose the copy of a Confidential Memorandum which I gave to Count Nesselrode on the 17th October, regarding the Russian Ukase, and the copy of his answer.

I have had one or two discussions with Count Lieven upon this paper, to which I object as not enabling His Majesty's Government to found upon it any negotiation to settle the questions arising out of the Ukase, which discussions have not got the better of these difficulties; and I inclose to you the copy of a letter which I have written to Count Lieven, explaining my objections to the Russian "Mémoire Confidentiel."

This question then stands exactly where it did. I have not been able to do anything upon it.

I have, &c. WELLINGTON.

[Inclosure 1.]

Memorandum.

In the month of September 1821 His Imperial Majesty the Emperor of Russia issued an Ukase, asserting the existence in the Crown of Russia of an exclusive right of sovereignty in the countries extending from Behring's Straits to the 51st degree of north latitude on the west coast of America, and to the 45th degree of north latitude on the opposite coast of Asia, and as a qualified exercise of that right of sovereignty, prohibiting all foreign vessels from approaching within 100 Italian miles of those coasts.

After this Ukase had been submitted by the King's Government to those legal authorities whose duty it is to advise His Majesty on such matters, a note was addressed by the late Marquis of Londonderry to Count Lieven the Russian Ambassador, protesting against the enactments of this Ukase, and requesting such amicable explanations as might tend to reconcile the pretensions of Russia in that quarter of the globe with the just rights of His Majesty's Crown, and the interests of his subjects.

We object, first, to the claim of sovereignty as set forth in this Ukase; and, secondly, to the mode in which it is exercised.

The best writers on the laws of nations do not attribute the exclusive sovereignty, particularly of continents, to those who have first discovered them, and although we might, on good grounds, dispute with Russia the priority of discovery of these continents, we contend that the much more easily proved, more conclusive, and more certain title of occupation and use, ought to decide the claim of sovereignty.

Now we can prove that the English North-West Company and the Hudson's Bay Company have for many years established forts and other trading stations in a country called New Caledonia, situated to the west of a range of mountains called

Rocky Mountains, and extending along the shores of the Pacific Ocean from latitude 49° to latitude 60°.

This Company likewise possess Factories and other Establishments on Mackenzie's River, which falls into the Frozen Ocean as far north as latitude 66° 30′, from whence they carry on trade with the Indians inhabiting the countries to the west of that river, and who, from the nature of the country, can communicate with Mackenzie's River with more facility than they can with the ports in New Caledonia.

Thus, in opposition to the claim founded on discovery, the priority of which, however, we conceive we might fairly dispute, we have the indisputable claim of occupancy and use for a series of years, which all the best writers on the laws of nations admit is the best founded claim to a territory of this description.

Objecting as we do to this claim of exclusive sovereignty on the part of Russia, I might save myself the trouble of discussing the particular mode of its exercise as set forth in this Ukase, but we object to the mode in which the sovereignty is proposed to be exercised under this Ukase, not less than we do the claim of it.

We cannot admit the right of any Power possessing the sovereignty of a country to exclude the vessels of others from the seas on its coasts to the distance of 100 Italian miles.

We must object likewise to other arrangements contained in the said Ukase, conveying to private merchant-ships the right to search in time of peace, &c., which are quite contrary to the laws and usages of nations, and to the practice of modern times.

VERONA, *October 17, 1822.*

[Inclosure 2.]

Mémoire Confidentiel.

Le Cabinet de Russie a pris en mûre considération le Mémoire Confidentiel que M. le Duc de Wellington lui a remis le 17 Octobre dernier relativement aux mesures adoptées par Sa Majesté l'Empereur sous la date du 4 (16) Septembre, 1821, pour déterminer l'étendue des possessions Russes sur la côte nord-ouest de l'Amérique, et pour interdire aux vaisseaux étrangers l'approche de ces possessions jusqu'à la distance de 100 milles d'Italie.

Les ouvertures faites à ce sujet au Gouvernement de Sa Majesté Britannique par le Comte de Lieven au moment où cet Ambassadeur alloit quitter Londres, doivent déjà avoir prouvé que l'opinion que le Cabinet de Saint-James avoit conçue des mesures dont il s'agit, n'étoit point fondée sur une appréciation entièrement exacte des vues de Sa Majesté Impériale.

La Russie est loin de méconnoître que l'usage et l'occupation constituent le plus solide des titres d'après lesquels un État puisse réclamer des droits de souveraineté sur une portion quelconque du continent. La Russie est plus loin encore d'avoir voulu outrepasser arbitrairement les limites que ce titre assigne à ses domaines sur la côte nord-ouest de l'Amérique, ou exiger en principe général de droit maritime les règles qu'une nécessité purement locale l'avoit obligée de poser pour la navigation étrangère dans le voisinage de la partie de cette côte qui lui appartient.

C'étoit au contraire parce qu'elle regardoit ces droits de souveraineté comme légitimes et parce que des considérations impérieuses tenant à l'existence même du commerce qu'elle fait dans les parages de la côte nord-ouest de l'Amérique, la forçoient à établir un système de précautions devenues indispensables, qu'elle a fait paroître l'Ukase du 4 (16) Septembre, 1821.

La Russie seroit toujours prête à faire part des motifs qui en justifient ses dispositions mais pour le moment elle se bornera aux observations suivantes.

M. le Duc de Wellington affirme dans son Mémoire Confidentiel du 17 Octobre que des Établissemens Anglois, appartenant à deux Compagnies: celle de la Baye de Hudson et celle du Nord-Ouest, se sont formés dans une contrée appelée la Nouvelle-Calédonie, qui s'étend le long de la côte de l'Océan Pacifique, depuis le 49° jusqu'au 60° de latitude septentrionale.

La Russie ne parlera point des Établissemens qui peuvent exister entre le 49 et 51 parallèle, mais quant aux autres, elle n'hésite pas de convenir qu'elle en ignore jusqu'à présent l'existence, pour autant au moins qu'ils toucheroient l'Océan Pacifique.

Les Cartes Angloises même les plus récentes et les plus détaillées n'indiquent absolument aucune des stations de commerce mentionnées dans le Mémoire du 17 Octobre, sur la côte même de l'Amérique, entre le 51° et 60° de latitude septentrionale.

D'ailleurs, depuis les expéditions de Behring et de Tchiricoff, c'est-à-dire, depuis près d'un siècle, des Établissemens Russes ont pris, à partir du 60°, une extension progressive, qui dès l'année 1799 les avoit fait parvenir jusqu'au 55 parallèle, comme

le porte la première Charte de la Compagnie Russe-Américaine, Charte qui a reçu dans le tems une publicité officielle et qui n'a motivé aucune protestation de la part de l'Angleterre.

Cette même Charte accordoit à la Compagnie Russe le droit de porter ses Établissemens vers le midi au delà du 55° de latitude septentrionale, pourvû que de tels accroissemens de territoire ne pussent donner motif de réclamation à aucune Puissance étrangère.

L'Angleterre n'a pas non plus protesté contre cette disposition, elle n'a pas même réclamé contre les nouveaux Établissemens que la Compagnie Russe-Américaine a pu former au sud du 55°, en vertu de ce privilège.

La Russie étoit donc pleinement autorisée à profiter d'un consentement, qui, pour être tacite, n'en étoit pas moins solennel, et à déterminer pour bornes de ses domaines le degré de latitude, jusqu'auquel la Compagnie Russe avoit étendu ses opérations depuis 1799.

Quoiqu'il en soit et quelque force que ces circonstances prêtent aux titres de la Russie, Sa Majesté Impériale ne déviera point dans cette conjoncture du systéme habituel de sa politique.

Le premier de ses vœux sera toujours de prévenir toute discussion et de consolider de plus en plus les rapports d'amitié et de parfaite intelligence qu'elle se félicite d'entretenir avec la Grande-Bretagne.

En conséquence l'Empereur a chargé son Cabinet de déclarer à M. le Duc de Wellington (sans que cette déclaration puisse préjudicier en rien à ses droits, si elle n'étoit point acceptée) qu'il est prêt à fixer, au moyen d'une négociation amicale et sur la base des convenances mutuelles, les degrés de latitude et de longitude que les deux Puissances regarderont comme dernières limites de leurs possessions et de leurs Établissemens sur la côte nord-ouest de l'Amérique.

Sa Majesté Impériale se plait à croire que cette négociation pourra se terminer sans difficulté à la satisfaction réciproque des deux Etats, et le Cabinet de Russie peut assurer dès à présent M. le Duc de Wellington que les mesures de précaution et de surveillance qui seront prises alors sur la partie Russe de la côte d'Amérique, se trouveront entièrement conformes aux droits dérivant de sa souveraineté, ainsi qu'aux usages établis entre nations, et qu'aucune plainte légitime ne pourra s'élever contre elles.

VÉRONE, *le 11 (23) Novembre, 1822.*

[Inclosure 2.—Translation.]

Confidential memorandum.

The Russian cabinet has seriously considered the confidential memorandum which the Duke of Wellington addressed to it on the 17th of last October in relation to the measures adopted by His Majesty the Emperor, under date of September 4 (16), 1821, to determine the extent of the Russian possessions on the northwest coast of America and to prevent foreign vessels from approaching these possessions within the distance of 100 Italian miles.

The overtures made in regard to this subject to the Government of His Britannic Majesty by Count de Lieven, at the time of the departure of that ambassador from London, must already have proved that the opinion the Court of St. James entertained of the measures under consideration was not founded upon an entirely exact understanding of the views of His Imperial Majesty.

Russia is far from failing to recognize that use and occupation constitute the best titles by which a state can lay claim to rights of sovereignty over any part of the continent. Russia is further still from having wished to arbitrarily overstep the boundaries which such title assigns to her dominions on the northwest coast of America, or to insist as a general principle of maritime law upon the regulations that a purely local necessity had obliged her to impose upon foreign navigation in the neighborhood of the part of this coast which belongs to her.

It was, on the contrary, because she regarded these rights of sovereignty as legitimate, and because imperative considerations involving the very existence of the commerce in which she is engaged along the northwest coast of America, forced her to establish a system of precautions which has become indispensable, that she issued the ukase of September 4 (16), 1821.

Russia would always be ready to explain the motives which justify her conduct, but for the present she will confine herself to the following observations:

The Duke of Wellington states in his confidential memorandum of October 17 that some English settlements, belonging to two companies, the Hudson Bay and

the Northwest, have been formed in a country called New Caledonia, which extends along the coast of the Pacific Ocean from the forty-ninth degree to the sixtieth degree of north latitude.

Russia will not speak of the settlements which may exist between the forty-ninth and fifty-first parallels, but as to the others she does not hesitate to admit that she is still in ignorance of their existence, at least so far as their touching the Pacific Ocean is concerned.

Even the most recent and complete English maps do not show a single trading post, mentioned in the memorandum of October 17, on the coast of America between the fifty-first and sixtieth degrees of north latitude.

Moreover, since the expeditions of Behring and Tchiricoff—that is, for nearly a century—Russian settlements have been growing so steadily from the sixtieth degree onward that in 1799 they had reached the fifty-fifth parallel, as the first charter of the Russian-American Company shows which charter at the time received official publicity, and which has called forth no protest on the part of England.

This same charter accorded to the Russian Company the right to extend its settlements toward the south beyond the fifty-fifth degree of north latitude, provided that such increase of territory would give rise to no protest on the part of any foreign power.

No objection was made to this provision, either, by England. She did not even protest against the new settlements that the Russian American Company may have established to the south of the fifty-fifth degree by reason of this privilege.

Russia was thus fully authorized to profit by a consent which was not the less solemn because it was tacit, and to fix as the boundary of her dominions the degree of latitude to which the Russian Company had extended its operations since 1790.

However that may be, and whatever force these circumstances may lend to Russia's title, His Imperial Majesty will not deviate in the slightest degree, at this juncture, from his accustomed political system.

His most cherished wish will always be to prevent all contention and to strengthen more and more the friendly relations and the perfect understanding which he congratulates himself on maintaining with Great Britain.

In consequence, the Emperor has directed his cabinet to state to the Duke of Wellington (without permitting this declaration to prejudice his rights in any degree should it be accepted) that he is ready to settle, by means of friendly negotiations and upon the basis of mutual agreement, the degrees of latitude and longitude which the two powers shall regard as the outside limits of their possessions and of their settlements on the northwest coast of America.

His Imperial Majesty is pleased to believe that these negotiations can be terminated without difficulty, to the mutual satisfaction of the two states, and the Russian cabinet is authorized to assure the Duke of Wellington that the measures of precaution and supervision which will then be taken in the Russian part of the coast of America will be in entire conformity with the rights emanating from her sovereignty, as well as with international usage, and that no legitimate complaint can be brought against them.

VERONA, *November 11 (23), 1822.*

[Inclosure 3.]

The Duke of Wellington to Count Lieven.

VERONA, *November 28, 1822.*

M. LE COMTE: Having considered the paper which your Excellency gave me last night on the part of his Excellency Count Nesselrode on the subject of our discussions on the Russian Ukase, I must inform you that I cannot consent, on the part of my Government, to found on that paper the negotiations for the settlement of the question which has arisen between the two Governments on this subject.

We object to the Ukase on the grounds:

1. That His Imperial Majesty assumes thereby an exclusive sovereignty in North America of which we are not prepared to acknowledge the existence or the extent. Upon this point, however, the memorandum of Count Nesselrode does afford the means of negotiation, and my Government will be ready to discuss it either in London or St. Petersburgh whenever the state of the discussions on the other question arising out of the Ukase will allow of the discussion.

The second ground on which we object to the Ukase is that His Imperial Majesty thereby excludes from a certain considerable extent of the open sea vessels of other nations.

We contend that the assumption of this power is contrary to the law of nations, and we cannot found a negotiation upon a paper in which it is again broadly asserted. We contend that no Power whatever can exclude another from the use of the open sea. A Power can exclude itself from the navigation of a certain coast, sea, &c., by its own act or engagement, but it cannot by right be excluded by another. This we consider as the law of nations, and we cannot negotiate upon a paper in which a right is asserted inconsistent with this principle.

I think, therefore, that the best mode of proceeding would be that you should state your readiness to negotiate upon the whole subject, without restating the objectionable principle of the Ukase, which we cannot admit.

Ever yours, &c. (Signed) WELLINGTON.

The Duke of Wellington to Mr. G. Canning.—(Received December 9.)

No. 44.] VERONA, *November 29, 1822.*

SIR: Since I wrote to you yesterday I have had another conversation with the Russian Ministers regarding the Ukase.

It is now settled that both the Memorandums which I inclosed to you should be considered as *non avenus*, and the Russian Ambassador in London is to address you a note in answer to that of the late Lord Londonderry, assuring you of the desire of the Emperor to negotiate with you upon the whole question of the Emperor's claims in North America, reserving them all if the result of the negotiation should not be satisfactory to both parties.

This note will then put this matter in a train of negotiation, which is what was wished.

I have, &c. WELLINGTON.

Count Lieven to Mr. G. Canning.

LONDRES, *le 19 (31) Janvier, 1823.*

A la suite des déclarations verbales que le Soussigné Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté l'Empereur de Toutes les Russies, a faites au Ministère de Sa Majesté Britannique, le Cabinet de St. James a dû se convaincre que si des objections s'étoient élevées contre le Règlement publié au nom de Sa Majesté l'Empereur de Toutes les Russies, sous la date du 4 (16) Septembre, 1821, les mesures ultérieures adoptées par Sa Majesté Impériale ne laissent aucun doute sur la pureté de ses vues et sur le désir qu'elle aura toujours de concilier ses droits et ses intérêts avec les intérêts et les droits des Puissances auxquelles l'unissent les liens d'une amitié véritable et d'une bienveillance réciproque.

Avant de quitter Vérone, le Soussigné a reçu l'ordre de donner au Gouvernement de Sa Majesté Britannique une nouvelle preuve des dispositiones connues de l'Empereur, en proposant à son Excellence Mr. Canning, Principal Secrétaire d'État de Sa Majesté Britannique pour les Affaires Étrangères (sans que cette proposition puisse porter atteinte aux droits de Sa Majesté Impériale, si elle n'est pas acceptée), que de part et d'autre la question de droit strict soit provisoirement écartée, et que tous les différends auxquels a donné lieu le Règlement dont il s'agit, s'applanissent par un arrangement amical fondé sur le seul principe des convenances mutuelles et qui seroit négocié à St. Pétersbourg.

L'Empereur se flatte que Sir Charles Bagot ne tardera point à recevoir

les pouvoirs et les instructions nécessaires à cet effet et que la proposition du Soussigné achèvera de démontrer au Gouvernement de Sa Majesté Britannique combien Sa Majesté Impériale souhaite qu'aucune divergence d'opinion ne puisse subsister entre la Russie et la Grande-Bretagne, et que le plus parfait accord continue de présider à leurs relations.

Le Soussigné saisit, &c. LIEVEN.

[Translation.]

Count Lieven to Mr. G. Canning.

LONDON, *January 19 (31), 1823.*

In consequence of the verbal statements that the undersigned, ambassador extraordinary and plenipotentiary of His Majesty the Emperor of all the Russias, has made to the Government of His Britannic Majesty, the Court of St. James must have become convinced that had objections arisen to the regulation promulgated in the name of His Majesty the Emperor of all the Russias, under date of September 4 (16), 1821, the subsequent measures adopted by His Imperial Majesty leave no doubt as to the sincerity of his intentions and the desire which he will always have to reconcile his rights and his interests with the interests and the rights of the powers to whom he is bound by the ties of sincere friendship and mutual good will.

Before leaving Verona the undersigned was ordered to present to the Government of His Britannic Majesty a new proof of the Emperor's well-known feelings by proposing to His Excellency Mr. Canning, chief secretary of state for foreign affairs of His Britannic Majesty (without permitting this proposition to prejudice the rights of His Imperial Majesty should it not be accepted), that the question of strict right be temporarily set aside on the part of both, and that all the differences to which the regulation in question has given rise be adjusted by an amicable arrangement founded on the sole principle of mutual expediency, to be negotiated at St. Petersburg.

The Emperor is pleased to believe that Sir Charles Bagot will soon receive the powers and instructions necessary to this end, and that the proposition of the undersigned will completely demonstrate to the Government of His Britannic Majesty how much it is the wish of His Imperial Majesty that no difference of opinion should exist between Russia and Great Britain, and that the most perfect harmony should continue to rule in their relations.

The undersigned takes, etc., LIEVEN.

Mr. G. Canning to Sir C. Bagot.

[No. 1.] FOREIGN OFFICE, *February 5, 1823.*

SIR: With reference to my despatch No. 5 of the 31st December last, transmitting to your Excellency the copy of an instruction addressed to the Duke of Wellington, as well as a despatch from his Grace dated Verona the 29th November last, both upon the subject of the Russian Ukase of September 1821, I have now to inclose to your

Excellency the copy of a note which has been addressed to me by Count Lieven expressing His Imperial Majesty's wish to enter into some amicable arrangement for bringing this subject to a satisfactory termination, and requesting that your Excellency may be furnished with the necessary powers to enter into negotiation for that purpose with His Imperial Majesty's Ministers at St. Petersburgh.

I avail myself of the opportunity of a Russian courier (of whose departure Count Lieven has only just apprized me) to send this note to your Excellency, and to desire that your Excellency will proceed to open the discussion with the Russian Minister upon the basis of the instruction to the Duke of Wellington.

I will not fail to transmit to your Excellency Full Powers for the conclusion of an agreement upon this subject by a messenger whom I will dispatch to you as soon as I shall have collected any further information which it may be expedient to furnish to your Excellency, or to found any further instruction upon, that may be necessary for your guidance in this important negotiation.

I am, &c. GEORGE CANNING.

Sir C. Bagot to Mr. G. Canning.

No. 8.] ST. PETERSBURG, *February 10 (22), 1823.*
(Received March 15.)

SIR: Count Lieven's courier arrived here yesterday afternoon, and I had this morning the honor to receive your dispatch No. 1, of the 5th instant, inclosing to me a copy of his excellency's note to you of the 31st of last month, respecting the imperial ukase of the 16th of September, 1821.

As the post is on the point of setting out I have only time to acknowledge the receipt of this dispatch, and to assure you that I shall immediately proceed to open with the Russian ministry the discussions which you instruct me to hold upon the important subject to which it relates.

I had yesterday an interview with Count Nesselrode, when I took occasion to speak with him generally upon the state of affairs as they appear to be affected by the King of France's speech at the opening of the Chambers, but nothing passed in our conversation which it seems necessary that I should report to you, and I have not had an opportunity of seeing the Emperor since his return from Verona.

The latest intelligence received here from Constantinople is still that of the 25th of last month.

I ought to state that in the copy of the instructions given to the Duke of Wellington by your dispatch No. 6 to his grace of the 27th September last, and which was transmitted to me in your dispatch No. 5 of the 31st December, the opinions of Lord Stowell and of His Majesty's advocate-general upon the subject of this ukase, and the other papers therein referred to, were not inclosed.

I have, etc., CHARLES BAGOT.

Mr. G. Canning to Sir. C. Bagot.

No. 4.] FOREIGN OFFICE, *February 25, 1823.*

SIR: I transmit to your excellency herewith a full power, which the King has been pleased to grant to you under the great seal, authoriz-

ing and empowering you to adjust the differences which have arisen in consequence of the ukase promulgated at St. Petersburg on the 4th September, 1821, which prohibits, under pain of confiscation, all foreign vessels from approaching within 100 Italian miles of the northwestern coast of America, the Aleutian and Kurile Isles, and the eastern coasts of Siberia.

I have nothing further to add to the papers with which your excellency has already been furnished on this subject, except two opinions which were laid by the King's law officers before His Majesty's Government on the first receipt of the ukase in question.

I am, etc.,

GEORGE CANNING.

Mr. S. Canning to Mr. G. Canning.

No. 47.] WASHINGTON, *May 3, 1823.* (Received June 12.)

SIR: The Russian envoy, Baron Tuyll, who arrived here about three weeks ago, has proposed to the American Government, in the name of his court, to send instructions to Mr. Middleton, at St. Petersburg, for the purpose of enabling him to negotiate an arrangement of the differences arising out of the claims asserted by the Emperor of Russia to an exclusive dominion over the northwest coast of America, and the neighboring seas as far as the 51st degree of north latitude. The proposal I conceive to be similar to that which was made by Count Nesselrode to His Majesty's plenipotentiary at Verona relative to the same object, as it affects Great Britain.

The American Secretary of State, in apprising me of the communication received from Baron Tuyll, expressed a desire that I would mention it to His Majesty's Government, and stating that Mr. Middleton would in all probability be furnished with the necessary powers and instructions, suggested whether it might not be advantageous for the British and American Governments, protesting as they did against the claims of Russia, to empower their ministers at St. Petersburg to act in the proposed negotiation on a common understanding. He added that the United States had no territorial claims of their own as high as the 51st degree of latitude, although they disputed the extent of those advanced by Russia, and opposed the right of that power to exclude their citizens from trading with the native inhabitants of those regions over which the sovereignty of Russia had been for the first time asserted by the late edict of the Emperor, and most particularly the extravagant pretension to prohibit the approach of foreign vessels within 100 Italian miles of the coast.

At the same time that he submitted this overture for the consideration of His Majesty's Government, Mr. Adams informed me that he had received an account similar to that which lately appeared in the newspapers, and which has already been forwarded to your office, of an American trading vessel having been ordered away from the northwest coast by the commander of a Russian frigate stationed in that quarter. He did not appear, however, to apprehend that any unpleasant consequences were likely to result from that occurrence, as it was understood that provisional instructions of a less exceptionable tenor had been dispatched from St. Petersburg in compliance with the representations of foreign powers.

In bringing under your notice this overture of the American Government, respecting which I can not presume to anticipate the sentiments of His Majesty's cabinet, I have only to add that on asking Mr. Adams whether it was his intention to enter more largely upon the subject at present, I was informed, in reply, that it would be desirable for him previously to know in what light the British Government was disposed to view the suggestion which he had offered. He appeared to be under an impression that the instructions and powers requisite for acting separately in this affair had already been transmitted to Sir Charles Bagot.

I have, etc., STRATFORD CANNING.

Shipowners' Society to Mr. G. Canning.

NEW BROAD STREET, *June 11, 1823.* (Received ———.)

SIR: I have been requested by the committee of this society to represent to you, sir, that considerable alarm has been excited among the owners of ships engaged in the southern whale fishery by the order lately issued by His Majesty the Emperor of Russia, "prohibiting foreign vessels to touch at the Russian establishments along the northwest coast of America from Bering Straits to 51° north latitude, as well as in the Aleutian Islands, on the east coast of Siberia, and the Kurile Islands; that is to say, from Bering Straits to the South Cape, in the Island of Ooroop, viz, in 45° 51′ north latitude, or even to approach them within a less distance than 100 Italian miles."

This committee being aware of the delicacy of the subject, and that the attention of His Majesty's Government had been directed to it, have been unwilling to trouble you with any representations, but as there are now many ships fishing in those seas, and several others bound thither, and it appears that fears are generally entertained lest the seizure and confiscation of some of them should take place by the Russian authorities, upon the plea of their having been within the prohibited limits, the committee have felt it their duty, and have requested me thus most respectfully to express to you, sir, their hope that you may be enabled to communicate to them such information as will remove those apprehensions.

I have, etc., GEORGE LYALL,
Chairman of the Committee.

Count Nesselrode to Count Lieven.

[Confidentielle—Extrait.]

ST. PÉTERSBOURG, *le 26 Juin, 1823.* (Communicated Aug. 14.)

Les instructions additionnelles envoyées aux officiers de la Marine Impériale chargées de la surveillance de nos côtes dans la partie nord-ouest de l'Amérique, portent nommément:

1. Que les Commandans de nos bâtimens de guerre doivent exercer leur surveillance aussi près que possible du Continent, c'est-à-dire, sur une étendue de mer qui soit á la portée du canon de la côte; qu'ils ne doivent point étendre cette surveillance au delà des latitudes sous les-

quelles la Campagnie Américaine a effectivement exercé ses droits de chasse et de pêche, tant depuis l'époque de sa création, que depuis le renouvellement de ses privilèges en 1799, et que, quant aux îles, oú se trouvent des Colonies ou Établissemens de la Compagnie, elles sont toutes indistinctement comprises dans cette règle générale;

2. Que cette surveillance doit avoir pour objet de réprimer tout commerce frauduleux, et toute tentative de nuire aux intérêts de la Compagnie en troublant les parages fréquentés par ses chasseurs et ses pécheurs, enfin, de prévenir toute entreprise dont le but serait de fournir aux naturels du pays, sans le consentement des autorites, des armes à feu, des armes blanches, ou des munitions de guerre;

3. Que dans ce qui concerne les bâtimens égarés, battus par la tempête, ou entraînés par les courans, les Commandans des vaisseaux de la marine Impériale continueront à se conformer aux dispositions du Règlement du 4 Septembre, 1821; qu'ils s'y conformeront de même à l'égard des bâtimens qui se livreraient au commerce, aux tentatives ou entreprises ci-dessus indiquées; et que nommément, ils pourront en agir d'après les principes recus parmi toutes les nations, lorsqu'un vaisseau étranger, ayant à bord des marchandises prohibées ou des munitions de guerre, approcherait d'un de nos Établissemens jusqu'à la portée du cannon, sans avoir égard aux interpellations et déclarations que nos officiers lui adresseraient en conformité de ce que leur a été prescrit antérieurement; enfin

4. Que ces officiers doivent s'abstenir de toute intervention dans l'exercice des fonctions locales du Directeur des Colonies, qui a reçu des instructions parfaitement analogues à celles dont ils ont été munies eux-mêmes, et qui se trouve revêtu du pouvoir d'un Commandant du Port.

Votre Excellence voudra bien observer que ces nouvelles instructions, qui, dans le fait, sont de nature à faire suspendre provisoirement l'effet de l'Oukase Impérial du 4 Septembre, 1821, n'ont été expédiées de St. Pétersbourg qu'au mois d'Août de l'année passée; que par conséquent l'officier qui se trouvait alors en crosière dans les parages en question, et le Directeur de nos Colonies, ne pourront les recevoir avant le mois de Septembre prochain, et que nommément le Capitaine Touloubieff, Commandant le sloop Russe "l'Apollon," ne pouvait en avoir connaissance à l'époque de l'incident rapporté par les journaux Américains.

[Confidential.—Extract.—Translation.]

ST. PETERSBURG, *June 26, 1823.* (Communicated Aug. 14.)

The additional instructions sent to the officers of the imperial navy upon whom devolves the duty of guarding our coasts in the northwestern part of America, set forth particularly:

1. That the commanders of our war vessels should keep a watch as close as possible to the continent, that is to say, sufficiently near to be within gunshot of the shore; that they should not extend this watch beyond the latitudes in which the American company has actually exercised its rights of hunting and fishing, either from the time of its formation, or since the renewal of its privileges in 1799, and that, as to the islands where colonies or settlements of the company have been established, they are all, without distinction, comprised in this general rule:

2. That the object of this surveillance should be to repress all fraudulent commerce and all attempts to injure the interests of the company by disturbing the waters frequented by its hunters and fishermen; also to prevent any enterprise having in view the furnishing of firearms, side arms, or munitions of war to the natives without the consent of the authorities;

3. That so far as stray ships, beaten by tempests or carried away by currents, are concerned, commanders of vessels of the imperial navy shall continue to observe the provisions of the regulation of September 4, 1821; that they shall also conform to it in the case of vessels engaged in trade, in attempts or in enterprises above indicated, and that, especially, they shall act in accordance with the principles recognized by all nations when a foreign vessel, having on board prohibited merchandise or munitions of war, approaches one of our settlements within range of the guns, without paying heed to the summons and declarations which our officers may address to her in conformity with what has been hereinbefore prescribed; finally,

4. That these officers shall refrain from all intervention in the exercise of the local functions of the director of the colonies, who has received instructions exactly similar to those with which they themselves have been provided, and who is invested with the power of a commander of the port.

Your excellency will observe that these new instructions, which are in fact of such a nature as to provisionally suspend the effect of the imperial ukase of September 4, 1821, were only forwarded from St. Petersburg in the month of August of last year; that, in consequence, the officer who was then cruising in the waters in question and the director of our colonies can not receive them before next September, and that Captain Touloubieff, commanding the Russian sloop *Apollo*, particularly, could have had no knowledge of them at the time of the incident referred to by the American newspapers.

Memorandum to be delivered to Mr. Lyall, chairman of the Shipowners' Society.

No doubt is entertained but that British vessels may pursue their usual navigation within the seas mentioned in Mr. Lyall's letter without apprehension of molestation from Russia.

The warning off of the American vessel took place before notice of the modifications of the ukase, assurances of which were given to the Government of the United States in the month of April last, could have reached the Russian commander in those seas. Similar assurances were given to the British Government by the Russian ambassador in September; and the whole subject is now under negotiation at St. Petersburg.

FOREIGN OFFICE, *June 27, 1823.*

Mr. G. Canning to Sir C. Bagot.

No. 12.] FOREIGN OFFICE, *July 12, 1823.*

SIR: I have the honor to inclose, for your excellency's information, the copy of a dispatch received from His Majesty's minister in America upon the subject of the Russian ukase relating to the northwest coast of America, also of a letter from the shipowners' society upon the same subject, and of a memorandum of my reply to that letter.

Your excellency will observe from Mr. Stratford Canning's dispatch that the Government of the United States are desirous to join with that of His Majesty in bringing forward some proposition for the definitive settlement of this question with Russia.

We have no precise information as to the views of the American Government, Mr. Rush not having yet received any instructions upon the subject. It seems probable, however, that the part of the question in which the American Government is peculiarly desirous of establishing a concert with this country is that which concerns the extravagant assumption of maritime jurisdiction. Upon this point,

it being now distinctly understood that Russia waives all her pretensions to the practical exercise of the rights so unadvisedly claimed, the only question will be as to the mode and degree of disavowal with which Great Britain and the United States might be, respectively, satisfied.

Upon this point, therefore, such a concert as the United States are understood to desire will be peculiarly advantageous; because, supposing the disavowal made, there is no disposition on the part of His Majesty to press hard upon the feelings of the Emperor of Russia, and it would certainly be more easy for His Majesty to insist lightly on what may be considered as a point of national dignity, if he acted in this respect in concert with another maritime power, than to enact any less degree, either of excuse for the past or of security for the future, than that other power might think necessary.

Great Britain and the United States may be satisfied jointly with smaller concessions than either power could accept singly, if the demands of the other were likely to be higher than its own.

I therefore think it best to defer giving any precise instructions to your excellency on this point until I shall have been informed of the views of the American Government upon it.

In the meantime, however, you will endeavor to draw from the Russian Government a proposal of their terms, as we should undoubtedly come much more conveniently to the discussion, and be much more likely to concert an agreement upon moderate terms with the American Government if a proposal is made to us than to agree in originating one which would be satisfactory at once to both Governments and to Russia.

The other part of this question which relates to territorial claim and boundary is perhaps susceptible of a separate settlement; of the two principles on which the settlement could be made, viz, joint occupancy or territorial demarcation; the latter is clearly preferable. A line of demarcation drawn at the 57th degree between Russia and British settlers would be an arrangement satisfactory to us, and would assign to Russia as much as she can pretend to be due to her. Your excellency will therefore bring this suggestion forward, and acquaint me how far a formal proposition on this basis would be agreeable to His Imperial Majesty's Government. The arrangement might be made, if more agreeable to Russia, for an expirable period of ten or fifteen years.

I am, etc.

GEORGE CANNING.

P. S.—JULY 13. Since this dispatch was written I have received from Mr. S. Canning the dispatch of which I inclose a copy, by which your excellency will learn that instructions are to be sent to Mr. Rush to enter into discussion here (among other matters) upon the subject of the ukase. There is nothing in this communication to vary the instructions herein given to your excellency.

G. C.

Mr. G. Canning to Sir C. Bagot.

No. 17.] FOREIGN OFFICE, *August 20, 1823.*

SIR: Count Lieven called upon me some days since and communicated to me confidentially the inclosed extract of a dispatch which his

excellency had received from Count Nesselrode upon the subject of the Russian ukase of the 4th September, 1821.[a]

Although it is very probable that your excellency is already in possession of the facts stated in this paper, I think it right to transmit it to your excellency, lest it should not yet have come to your excellency's knowledge.

I considered it expedient to make this communication known to Mr. Rush, the American minister in this country, whose Government must naturally be deeply interested in any resolution which may be adopted by that of Russia upon this subject, apprising Count Lieven that I had done so.

I am, &c., GEORGE CANNING.

Sir C. Bagot to Mr. G. Canning.—(Received September 23.)

No. 36.] ST. PETERSBURGH, *August 19 (31), 1823.*

SIR: Count Nesselrode being upon the eve of setting out to join the Emperor upon his journey through the interior, and it being probable that he will not return to St. Petersburgh before the middle of November, I have thought it advisable, even in the absence of those further instructions, which you lead me to expect in your despatch No. 12 of the 12th of last month, to apprize him of the probability of Mr. Middleton and myself being soon instructed to act jointly in negotiating with him some proposition for the definitive settlement of that part at least of the question growing out of the Imperial Ukase of the 4th (16th) September, 1821, which regards the maritime jurisdiction assumed by Russia in the North Pacific Ocean.

I have been induced to acquaint Count Nesselrode thus early with the fact, partly with a desire of ascertaining, so far as I could, the manner in which a combined measure of this kind would be viewed by the Imperial Government; and partly to ascertain whether his own absence would necessarily delay our negotiations upon this subject.

In respect to the first of these objects, I am happy in being able to state that the proposed concert of measures between His Majesty and the United States, so far from being unacceptable to Count Nesselrode, is considered by him, and principally for the same reasons which are assigned in your despatch, as the most agreeable mode in which the question could be brought under discussion.

In regard to the second object, finding that Count Nesselrode received so favourably my intimation of the course which we were about to pursue, I thought that I should best learn whether the Russian Government was prepared to proceed immediately to negotiation if I suggested to him, as I did, the facilities which it would probably afford to all parties if, instead of leaving to His Majesty the perhaps difficult task of originating a proposition upon the subject, which would be at the same time satisfactory both to the United States and to Russia, the Imperial Government themselves should propose some arrangement for our consideration, which, while it might protect the legitimate commercial interests of His Imperial Majesty's subjects, might also effectually save

[a] The inclosure is Count Nesselrode's confidential note to Count Lieven of June 26, 1823, *ante* page 121.

what was the great object of the negotiation—the dignity and rights both of His Majesty and the other Maritime Powers of the world.

Count Nesselrode received this suggestion exactly as I could have wished, and he seemed fully sensible to the delicacy shown towards the Imperial Government in proposing such a course. He said that he thought that he should probably receive his Imperial Majesty's orders to instruct M. Poletica (who, from his long residence in America, and his repeated discussions with the Government of the United States upon the subject, is supposed to be the person here who is most conversant with the whole question) to prepare, during the absence of the Emperor, such materials as may enable the Imperial Government, immediately upon the Emperor's return to St. Petersburgh, to shape some such proposition as that which I had suggested, but he did not give me any reason to suppose that M. Poletica would be authorized to conclude an arrangement, or that anything could be definitively settled till after his own return.

In the meantime, the American minister here has not yet received the instructions referred to by Mr. Stratford Canning in his letter to you of the 3rd May, a copy of which is inclosed in your despatch No. 12. I have, however, apprized him of the wish of his Government to act in concert with that of His Majesty in this business, of His Majesty's readiness to accede to this wish, and of the probability of his receiving, in the course of a very short time, precise instructions upon the subject. From the few general conversations which I have had with Mr. Middleton, he does not seem at all desirous of pressing hardly upon the Imperial Government, and he appears to think that, if any sufficient public disavowal of the pretensions advanced in the Ukase can be obtained, his own Government will be perfectly ready to lend themselves to whatever course may best save the feelings and the pride of Russia.

Mr. Middleton now tells me, what I was not before aware of, that he had last year, by the direction of the President, several interviews with Count Nesselrode and Count Capodistrias upon the subject of this Ukase, and that it was at length agreed that he should inquire officially what were the intentions of the Imperial Government in regard to the execution of it, an assurance being previously given that the answer which he should receive would be satisfactory. Mr. Middleton has been good enough to furnish me with a copy of this answer, which I now inclose. As, however, he considers the communication of the paper as personally confidential, I take the liberty of requesting that no public use may be made of it.

In regard to the second part of this question, that which relates to the territorial claim advanced by Russia in respect to the north-west coasts of North America, I have explained to Count Nesselrode that the United States making no pretension to territory so high as the 51st degree of north latitude, the question rests between His Majesty and the Emperor of Russia alone, and becomes therefore a matter for separate settlement by their respective Governments.

I have suggested to him that this settlement may perhaps be best made by Convention, and I have declared our readiness to accede to one framed either upon the principle of joint occupancy or demarcation of boundary as the Russian Government may itself prefer, intimating, however, that in our view the latter is by far the most convenient. Count Nesselrode immediately and without hesitation declared himself

to be entirely of that opinion, and he assured me that the chief if not the only object of the Imperial Government was to be upon some certainty in this respect.

This conversation took place before I had received your private letter in cypher of the 25th of last month, which reached me on the 11th instant by post. I had, however, taken upon myself to abstain from bringing forward any suggestion that the territorial arrangement should be made for an expirable period, as I thought it possible that such an arrangement might, in the end, be found to be inconvenient, and as it appeared to me that it was a proposition which I should at all events reserve for a later period of the discussion, when it might, in case of difficulties, be found an useful instrument of negotiation.

In a second interview which I have had with Count Nesselrode upon the subject of this separate negotiation, I told him that our pretensions had, I believed, always extended to the 59th degree of north latitude, but that a line of demarcation drawn at the 57th degree would be entirely satisfactory to us, and that I believed that the Russian Government had in fact no Settlements to the southward of that line. I am not, however, quite sure that I am right in this last assertion, as the Russian Settlement of Sitka, to which I am told that the Russian Government pretends to attach great importance, is not laid down very precisely in the Map published in 1802 in the Quartermaster-General's Department here, or laid down at all in that of Arrowsmith, which has been furnished to me from the Foreign Office. Be this, however, as it may, Count Nesselrode did not appear to be at all startled by the proposition. He said that he was not enough acquainted with the subject to give an immediate answer to it, but he made a Memorandum of what I said, and I hope shortly to be able to ascertain how far this Government may be inclined to accept a more formal proposition founded upon this basis.

I have, &c. CHARLES BAGOT.

P. S.—Since writing the above I have again seen Count Nesselrode, who has informed me that he has received the Emperor's commands to put M. Poletica in direct communication with Mr. Middleton and myself upon the subject of that part of the Ukase in which it is proposed that we should act conjointly whenever Mr. Middleton shall have received the instructions which he expects from his Government.

C. B.

[Inclosure.]

Count Nesselrode to Mr. Middleton.

ST. PÉTERSBOURG, *ce 1er Août, 1822.*

Le Soussigné, Secrétaire d'État, dirigeant le Ministère des Affaires Etrangères s'est empressé de mettre sous les yeux de l'Emperour la note que Mr. Middleton, Envoyé Extraordinaire et Ministre Plénipotentiaire des États-Unis d'Amérique, lui a adressée le 27 Juillet, afin de rappeler l'attention du Ministère Impérial sur la correspondance qui a eu lieu entre l'Envoyé de Russie à Washington et le Gouvernement des États-Unis, concernant certaines clauses du Règlement émané le 4 (16) Septembre, 1821, et destiné à protéger les intérêts du commerce Russe sur la côte nord-ouest de l'Amérique Septentrionale.

Animé du désir constant de maintenir dans toute leur intégrité les relations amicales qui subsistent entre la Cour de Russie et le Gouvernement des États-Unis,

l'Empereur s'est pluà prévenir les vœux que viennent de lui être témoignés. Déjà depuis un mois M. le Général-Major Baron de Tuyll, nommé au poste qu'occupoit M. de Poletica, a reçu l'ordre de poursuivre, immédiatement après son arrivée à Washington, la tâche importante que son prédécesseur auroit également remplie, si l'état de santé luí aveit permis de prolonger son séjour en Amérique.

Ne doutant pas des dispositions amicales que le Gouvernement Américain apportera aux négociations que le Général Tuyll va ouvrir; et assuré d'avance que par une suite de ces mêmes négociations les intérêts du commerce de la Compagnie Russe-Américaine seront préservés de toute lésion, l'Empereur a fait munir les vaisseaux de la marine impériale qui font et et feront la croisère sur la côte nord-ouest des instructions les plus analogues au but que les deux Gouvernemens aimeront à atteindre par des explications dirigées de part et d'autre, dans un esprit de justice, de concorde, et d'amit ié.

En écartant ainsi de son côté toute chance qui auroit pu mener aux voyes de fait que le Gouvernement Américain semble appréhender de loin, Sa Majesté Impériale se plaît à espérer que le Président de États-Unis adoptera successivement des mesures que sa sagesse lui montrera comme les plus propres à rectifier toutes les erreurs accréditées par une malveillance qui cherche à dánaturer les intentions et à compromettre les rapports intimes des deux Gouverremens.

Du moment où la marine et le commerce des États-Unis seront convaincus que l'on s'occupe respectivement des questions qui se sont élevées au sujet du règlement du 4 (16) septembre, dans la ferme résolution de les décider d'un commun accord, sous les auspices du bon droit et d'une amitié inaltérable; dès ce moment, la surveillance dont se trouvent chargés, en vertu des nouvelles instructions, les vaisseaux de la marine impériale, qui se rendront sur le nord-ouest d'Amérique, ne sauroit jamais motiver de fâcheuses complications.

C'est en se livrant à cette certitude que Mr. Middleton voudra bien sans doute partager, qu'il ne reste plus au soussigné qu'à ajouter aux communications qu'il a eu ordre de faire en résponse à la note du 21 juillet l'assurance de sa considérations très distinguée.

NESSELRODE.

[Inclosure.—Translation.]

Count Nesselrode to Mr. Middleton.

ST. PETERSBURG, *August 1, 1822.*

The undersigned, secretary of state, directing the department of foreign affairs, hastens to lay before the Emperor the note that Mr. Middleton, envoy extraordinary and minister plenipotentiary of the United States of America, addressed to him on the 27th of July, in order to recall to the attention of the Imperial Government the correspondence which had taken place between the envoy of Russia at Washington and the Government of the United States, concerning certain clauses of the regulation promulgated the 4th (16th) of September, 1821, and designed to protect the interests of Russian commerce on the northwest coast of North America.

Animated by the constant desire to maintain intact the friendly relations existing between the Court of Russia and the Government of the United States, the Emperor was pleased to anticipate the wishes which have just been made known to him. A month ago Major-General Baron de Tuyll, appointed to the post formerly occupied by M. de Poletica, received the order to take up, immediately upon his arrival in Washington, the important task that his predecessor would have accomplished had the state of his health permitted him to prolong his stay in America.

Having every confidence in the friendly dispositions with which the American Government will enter into the negotiations to be inaugurated by General Tuyll, and being assured beforehand that, as a consequence of these same negotiations, the interests of the commerce of the Russian-American Company will be preserved from injury, the Emperor has directed that the vessels of the Imperial navy cruising at the present time and in the future along the northwest coast be furnished with the instructions most conducive to the end that the two Governments desire to attain by explanations conducted on both sides in a spirit of justice, of concord, and of friendship.

In thus removing, on his part, every contingency that might have led to the acts of violence which the American Government appears to apprehend in the future, His Imperial Majesty entertains the hope that the President of the United States will adopt such measures as his wisdom may suggest to him as those best adapted to rectify all the errors arising from a malevolent spirit which seeks to misrepresent the intentions and to compromise the good understanding of the two Governments.

When the navy and commerce of the United States realize that the questions which

arose in regard to the regulation of the 4th (16th) of September are being considered with the firm resolve to decide them by common consent, in the light of actual right and of unalterable friendship, from that moment the surveillance with which the vessels of the Imperial navy on the northwest coast of America are charged, by virtue of the new instructions, will cease to be the cause of troublesome complications.

Entertaining this feeling of perfect security, which Mr. Middleton will doubtless share, there remains nothing to the undersigned but to add to the communications which he has been directed to make in reply to the note of July 21 the assurance of his most distinguished consideration.

NESSELRODE.

Sir C. Bagot to Mr. G. Canning.

[Confidential.]

No. 48.] ST. PETERSBURG, *October 17 (29), 1823.*
(Received Nov. 17.)

SIR: Mr. Hughes, the American chargé d'affaires at Stockholm, arrived here on the 16th instant, and has delivered to Mr. Middleton the instructions which I had already led him to expect from his Government upon the subject of the Imperial ukase of the 4th September, 1821, and upon the concert of measures which the United States are desirous of establishing with Great Britain in order to obtain a disavowel of the pretentions advanced in that ukase by this country.

As Mr. Hughes was the bearer of instructions upon the same subject to the American minister in London, I may, I am aware, presume that Mr. Rush will have already communicated to you the view taken of this question by the United States, and I think it probable that you may have already anticipated this dispatch by framing for my guidance such further instructions as, under that view, it may be thought necessary that I should receive. It may, nevertheless, be very desirable that I should lose no time in reporting to you the substance of some conversations which Mr. Middleton has held with me since the arrival of Mr. Hughes, and it is principally for this purpose that I now dispatch the messenger Walsh to England.

Although Mr. Middleton has not communicated to me the instructions which he had received, I have collected from him, with certainty what I had long had reason to suspect, that the United States, so far from admitting that they have no territorial pretensions so high as the fifty-first degree of north latitude and no territorial interest in the demarcation of boundary between His Majesty and the Emperor of Russia to the north of that degree, are fully prepared to assert that they have at least an equal pretension with those powers to the whole coast as high as the sixty-first degree, and an absolute right to be parties to any subdivision of it which may now be made.

Unless I greatly misconceive the argument of Mr. Middleton, it is contended by the American Government that, in virtue of the treaty of Washington, by which the Floridas were ceded by Spain to the United States, the latter are become possessed of all claims, whatever they might be, which Spain had to the northwest coasts of America, north of the forty-second degree of north latitude, and that when Great Britain, in the year 1790, disputed the exclusive right of Spain to this coast, the Court of Russia (as, indeed, appears by the declaration of Count Florida Blanca, and as it would, perhaps, yet more clearly appear by reference to the archives of the foreign department here)

disclaimed all intention of interfering with the pretensions of Spain, and, consequently, all pretensions to territory south of the sixty-first degree, and that, therefore, any division of the coast lying between the forty-second and sixty-first degrees ought in strictness to be made between the United States and Great Britain alone.

Mr. Middleton, however, admits that the United States are not prepared to push their pretensions to this extent. He says that they are ready to acknowledge that no country has any absolute and exclusive claim to these coasts, and that it is only intended by his Government to assert that, as heirs to the claims of Spain, the United States have, in fact, the best pretensions which any of the three powers interested can urge.

Assuming, upon these grounds, their right to a share in the division, the United States, it seems, desire that, the division being made, the three powers should enter into a joint convention mutually to grant to each other, for some limited period, renewable at the pleasure of the parties, the freedom of fishery and of trade with the natives, and whatever other advantages the coasts may afford; and Mr. Middleton has confidentially acquainted me that he has in fact received from his Government the "projet" of a tripartite convention to this effect, and he has communicated to me a copy, which I now inclose, of the full powers with which he has been furnished to negotiate such convention with the plenipotentiaries of Great Britain and Russia.

As neither the instructions nor the powers which I have received in regard to this question were framed in contemplation of any such pretension as that which is now put forward by the American Government, I have explained to Mr. Middleton how impossible it is for me to proceed further with him in the business until I shall have received fresh instructions from you; and I have, with his knowledge, informed M. Poletica that I must, for the present, suspend the conferences (upon the territorial part of the question at least) into which he and I had already entered.

I can not disguise from myself that, judging from the conversations which I have had, both with Count Nesselrode and M. Poletica, upon the general subject of the ukase, these new, and, I must think, unexpected pretensions of the United States are very likely to render a satisfactory adjustment of the business a matter of more difficulty than I at first apprehended.

A full disavowal by Russia of her pretension to an exclusive maritime jurisdiction in the North Pacific Ocean will, I have no doubt, be obtained; but I am strongly inclined to believe that this Government will not easily be brought to acknowledge the justice of any claim of the United States to any part of the territory in question north of the fifty-first degree, and I am still more strongly inclined to believe that, a division once made, this Government will never permit the United States, if they can prevent it, either to fish, settle, or trade with the natives within the limits of the territory which may be allotted to Russia.

I take this opportunity of inclosing to you a copy of the note which I received from Count Nesselrode, the day before he left St. Petersburg, acquainting me that the Emperor had appointed M. Poletica to enter into preliminary discussion with Mr. Middleton and myself upon the different questions growing out of the ukase.

As it appeared by this note that M. Poletica was not empowered to

treat, or, indeed, to pledge his Government to any precise point, I have abstained from entering with him as fully into the matter as I should have done had his powers been more extensive.

I had, however, two conversations with him, previously to Mr. Middleton's receipt of his last instructions, upon the subject of territorial boundary as it regarded ourselves, and I then gave him to understand that the British Government would, I thought, be satisfied to take Cross Sound, lying about the latitude of 57½°, as the boundary between the two powers on the coast; and a meridian line drawn from the head of Lynn Canal, as it is laid down in Arrowsmith's last map, or about the one hundred and thirty-fifth degree of west longitude, as the boundary in the interior of the continent.

M. Poletica, not being authorized to do more than take any suggestion of this kind ad referendum, I am of course not yet able to inform you, as I am instructed to do by your dispatch No. 12, how far a more formal proposition on this basis, or on the basis of a line drawn at the fifty-seventh degree, as suggested in that dispatch, might be agreeable to the Imperial Government. M. Poletica seemed to suggest the fifty-fifth degree as that which, in his opinion, Russia would desire to obtain as her boundary; and he intimated that it would be with extreme reluctance that Russia would, he thought, consent to any demarcation which would deprive her of her establishment at Sitka, or rather at Novo-Archangelsk.

Still, I should not altogether have despaired of inducing this Government to accept Cross Sound as the boundary; and though I am aware that in suggesting this point I put in a claim to something more than I am instructed to do in your dispatch above referred to, I thought that it might be for the advantage of the negotiation if I reserved the proposition of the fifty-seventh degree to a later period of it, and, judging from the map, it appeared to me that it might be desirable to obtain, if possible, the whole group of islands extending along the coast.

But the discussion of this, and all other points connected with settlement of boundary, seems necessarily to be suspended for the moment by the nature of Mr. Middleton's late instructions, and I shall not think it safe to venture further into the question until I shall have learned the opinion of His Majesty's Government upon the pretensions advanced in those instructions by the United States.

I have, etc., CHARLES BAGOT.

[Inclosure 2.]

Count Nesselrode to Sir C. Bagot.

ST. PÉTERSBOURG, *le 22 Août, 1823.*

M. l'AMBASSADEUR: En quittant St. Pétersbourg, l'Empereur m'a chargé d'annoncer à votre Excellence que, m'ayant donné ordre de la suivre dans son voyage, elle avoit autorisé M. le Conseiller d'État Actuel de Poletica à entamer avec vous, M. l'Ambassadeur, des pourparlers relatifs aux différends qui se sont élevés entre la Russie et l'Angleterre, à la suite du nouveau Règlement donné à la Compagnie Russie-Américaine par l'Oukase de Sa Majesté Impériale en date du 4 (16) Septembre, 1821.

Ces pourpalers auront pour but de préparer les voies à l'ajustement définitif de ces différends, et je ne doute point qu'ils ne facilitent ce résultat si vivement désiré par l'Empereur.

Je saisis, etc., NESSELRODE.

[Inclosure 2.—Translation.]

Count Nesselrode to Sir C. Bagot.

ST. PETERSBURG, *August 22, 1823.*

MR. AMBASSADOR: On leaving St. Petersburg the Emperor charged me to announce to your excellency that, having directed me to follow him on his journey, he had authorized Active-Councillor-of State de Poletica to treat with you, Mr. Ambassador, in regard to the differences which have arisen between Russia and England, in consequence of the new regulations given to the Russian American Company by the ukase of His Imperial Majesty of the 4th (16) of September, 1821.

The object of these negotiations will be to prepare the way for the permanent adjustment of these differences, and I do not doubt that they will facilitate that result which is so earnestly desired by the Emperor.

I take advantage, etc., NESSELRODE.

M. Poletica to Count Nesselrode.

ST.-PÉTERSBOURG, *le 3 novembre 1823.* (Received 7/19 Nov.)

MONSIEUR LE COMTE: Immédiatement après que V. Exc. eût quitté St.-Pétersbourg au mois d'août dernier, je m'occupais de l'exécution des ordres qui m'ont été tracés dans l'office ministériel en date du 18 du même mois.

J'ai pensé qu'avant que d'entrer en pourparlers avec l'Ambassadeur d'Angleterre et l'Envoyé Américain, il convenait de me mettre préalablement bien au fait des dispositions de notre Compagnie d'Amérique, tant à l'égard de la question concernant les limites de ses possessions sur la côte nord-ouest du continent américain, que des objets plus importans de la juridiction maritime, que l'édit du 4 septembre 1821 avait étendu jusqu'à la distance de 100 milles d'Italie des côtes de la terre ferme. Mes entretiens sur ces deux points avec M. le Conseiller privé C. de Lambert, que le Ministere des finances avait constitué organe des intérêts et des vœux de notre Compagnie Américaine, me persuadèrent que les uns seraient mis en sûreté et les autres complettement remplis, si l'on parvenait à fixer les limites des possessions de la dite Compagnie au 54e degré de latitude nord, et en leur donnant pour profondeur tel degré de longitude (méridien de Greenwich) qui dans son prolongement vers le pôle laisserait en dehors de notre limite la rivière Mackenzie.

Dans la fixation de la longitude M. le C. de Lambert avait eu principalement en vue l'établissement d'une barrière à laquelle s'arrêteraient une fois pour toutes, au nord comme à l'ouest de la côte allouée à notre Compagnie Américaine, les empiètemens des agens de la Compagnie Anglaise réunie de la baye de Hudson et de Nord-Ouest qu'une connaissance plus exacte du pays traversé par la rivière Mackenzie aurait pu facilement amener par la suite du tems dans le voisinage de nos établissemens.

M. le C. de Lambert ne me laissa pas ignorer en même tems que notre Compagnie Américaine n'étoit nullement disposé à faire des concessions quelconques, soit aux Anglais, soit aux Americains, sous le rapport du commerce et de la navigation dans les limites de ses possessions reconues. Qu'elle était au contraire fermement décidée à s'en réserver l'exploitation exclusive, et cette détermination de sa part mérite d'être remarquée, vû qu'elle, fermera, selon toutes les probabilités, la principale et même l'unique difficulté dans la négociation avec le Gouvernement des Etats-Unis d'Amérique.

Muni de ces données, qui complettaient les directions et les amples renseignemens qui m'ont été fournis par le Ministère Impérial, je cherchai à me mettre en rapport avec le Chevalier Bagot et M. Middleton.

L'Envoyé Américain se trouvant en ville, fut le premier que j'allai voir. Je lui fis connaître en termes généraux l'objet de ma visite, ainsi que mon vif désir de contribuer même d'une manière indirecte à l'aplanissement des difficultés qui s'étaient élevées entre les deux Gouvernements au sujet des mesures prises chez nous pour protéger les intérêts compromis de notre Compagnie Américaine.

M. Middleton me répondit, à la suite des civilités ordinaires, qu'il regrettait beaucoup de ne pouvoir, pour le moment, se livrer à sa propre impatience, d'entrer aussitôt en matière avec moi, faute d'instructions définitives sur cet important objet, de la part de son Gouvernement; qu'il les attendait incessamment, et qu'aussitôt qu'elles lui seroient parvenues, il s'empresserait de me le faire savoir. Dans le courant de la conversation, M. Middleton me fit entendre, que lui et l'Ambassadeur d'Angleterre étaient convenus de se tenir, pour ainsi dire, par la main dans cette partie de la négociation qui aura trait à la question de la juridiction maritime.

Il était clair, d'après la réponse de l'Envoyé Américain que toute démarche ultérieur de ma part auprès de lui serait superflue, jusqu'à l'arrivée des instructions qu'il attendait. Je pris aussi le parti de me tenir parfaitement tranquille à son égard.

Ce fut à peu près vers le même tems que je vis pour la première fois l'Ambassadeur d'Angleterre à sa campagne.

Le Chevalier Bagot me reçut avec la politesse la plus franche. Et quoiqu'il ne jugea pas à propos non plus de s'expliquer autrement qu'en termes généraux sur l'affaire que nous avions à discuter ensemble, son langage et le ton qu'il y a mis indiquaient clairement les dispositions les plus conciliantes. Il me confirma ce que M. Middleton m'avoit dit, concernant leur accord de suivre en commun la question de la juridiction maritime.

Le Chevalier Bagot remit jusqu'à son retour en ville, qui devait avoir lieu dans une quinzaine de jours, le commencement de nos pourparlers en forme. Effectivement le surlendemain de son retour en ville, l'Ambassadeur d'Angleterre vint me rendre sa visite, qui se passa en pures civilités; cependant il m'insinua que les nouvelles instructions de M. Middleton n'étant point encore arrivées, il serait convenable d'attendre encore quelque temps.

Quelques jours après j'eus l'honneur de dîner chez l'Ambassadeur Britannique. Au sortir de table il me prit à l'écart pour me dire, qu'en attendant les instructions que M. Middleton n'avoit point encore reçues, rien ne nous empêchait d'aborder la question territoriale à laquelle les Américains étaient en quelque façon étrangers. Il me proposait en conséquence de passer chez moi, un jour qui seroit à notre convenance mutuelle.

Toutes mes instances pour engager le Chevalier Bagot à me recevoir chez lui ont été inutiles.

Au jour convenu, le 2 octobre dernier Sir Charles Bagot vint me trouver vers midi. Il débuta par me demander si, dans le cas qu'il me communiquerait une proposition spécifique quelconque relative à la question territoriale, j'étais autorisé à lui déclarer, que cette proposition serait agréable ou non au Gouvernement Impérial. Je répondi aussitôt

à l'Ambassadeur Britannique, que mes instructions ne me permettaient aucune déclaration positive à cet égard; qu'elles se bornaient uniquement à me permettre de discuter confidentiellement soit avec lui, soit avec M. Middleton, l'affaire dont il s'agit, de leur fournir toutes les explications que cette discussion pourrait me suggérer; et cela dans la vue de faciliter la négociation directe et formelle lorsqu'elle viendrait à être établie après le retour de S. M. I.; que ces pourparlers préliminaires, que j'avais été autorisé à entamer avec lui et M. Middleton, avaient paru au Gouvernement Impérial un moyen convenable d'accélérer la négociation directe et d'abréger les discussions subséquentes et les écritures, en tant qu'il serviroit à faire connaître d'avance les vues générales des Gouvernemens respectifs sur l'affaire qu'il s'agissait d'arranger; qu'il s'en suivait par conséquent que je ne pouvais accueillir autrement toute proposition qui serait autrement toute qu'en la prenant *ad referendum*.

Ce point expliqué, le Chevalier Bagot m'interpella de lui faire connaître quelle seroit, dans la pensée du Gouvernement Impérial, la ligne de séparation entre nos possessions sur la côte nord-ouest de l'Amérique et celles que l'Angleterre se croyait en droit de revendiquer. Je crus qu'il convenait mieux d'aborder franchement la question. Laissant donc le côté les circonlocutions, que le Gouvernement Impérial croirait avoir satisfait à toutes les concessions, que réclamait sa modération et son vir désir de maintenir la bonne intelligence avec toutes les puissances étrangères, en fixant la limite entre les possessions russes et anglaises au 54e degré de latitude et en donnant pour longitude telle ligne, qui, dans son prolongement en ligne droite vers le pôle, laisseroit la revière Mackenzie en dehors de la frontière russe.

Le Chevalier Bagot me repondit, après avoir réfléchi un moment, que le point de démarcation, que je venois de lui indiquer, étoit bien loin de celui que son Gouvernement auroit voulu fixer. Il me dit ensuite, que d'après toutes les recherches qui ont été faites en Angleterre et les opinions exprimées par les hommes de loi les plus experts, les droits de la Russie à la possession de la côte nord-ouest de l'Amérique, au-dessous du 60e de latitude, n'étoient rien moins que bien établis; que le seul titre légitime de toute possession territoriale étoit, d'après l'avis des publicistes anglois et leurs hommes de loi qu'on a consultés, non la première découverte ou même la prise de possession selon les anciennes formalités usitées par les navigateurs, mais l'occupation pratique des territoires nouvellement découverts; que cette preuve de droit manquoit aux titres produits jusqu'à présent par la Russie, à l'exception de l'établissement de Novo-Archangelsk, qui ne date toutefois que depuis l'année 1802 ou 1803. A l'appui de ce qu'il venoit de me dire, le Chevalier Bagot me lut une opinion de l'avocat du Roi à Londres, conçue dans le sens qu'il avoit énoncé; et pour me démontrer que les prétentions de la Russie à la possession des points au-dessous du 60e de latitude sur la dite côte étoient d'une origine très récente, l'Ambassadeur Britannique me fit la lecture de quelques pièces de la correspondance (qui eut lieu en 1790) entre le Compte de Florida Blanca et M. Fitzherbert, depuis Lord St. Helen's, lors du différend qui s'étoit élevé entre l'Espagne et l'Angleterre au sujet de Nootka Sound (voyez l'Annual Register de l'année 1790, pages 292–301). Cette correspondance, disait M. Bagot, contenoit d'après les assertions de la Cour de Madrid, une reconnoissance explicite, de la part de la Russie, des droits

de l'Espagne à la possession de la côte nord-ouest de l'Amérique depuis la pointe de la Californie de l'Espagne, jusqu'au 61° de latitude inclusivement.

Au milieu de ce raisonnement, l'Ambassadeur Britannique suspendit brusquement la discussion, pour me dire, que son Gouvernement n'avoit, après tout, nulle intention de traiter la question territoriale d'après les principes abstraites du droit public et celui des gens; que ce seroit le moyen de rendre la discussion interminable; que le Cabinet de Londres attendoit un résultat plus satisfaisant pour les deux parties intéressés d'un arrangement à l'aimable qui ne seroit basé que sur la convenance réciproque, et que c'étoit dans cet esprit que ses instructions avoient été tracées.

Je repondis à Sir Charles Bagot, que dans la question dont il s'agit autant que je pouvois préjuger des dispositions du Gouvernement Impérial, je croyois pouvoir prendre hardiment sur moi de l'assurer, qu'elles s'accordoient parfaitement avec celles du Cabinet de Londres. Je le priai ensuite de me faire connoître le point de démarcation, que son Gouvernement jugeoit devoir séparer les possessions respectives sur la côte nord-ouest de l'Amérique.

Le Chevalier Bagot se mettant alors à la carte géographique que nous avions sous les yeux, traça dessus, avec son doigt, une ligne qui commençoit au 57° de latitude et dont l'intersection désignait le 135° de longitude, meridien de Greenwich, précisément au point, où doit se trouver notre établissement de Novo-Archangelsk.

Cette démarcation laisseroit à coup sûr un espace considérable entre les points de limites indiqués de part et d'autre lors même que le Gouvernement Impérial se décideroit, dans l'intérêt de la conciliation à faire remonter la ligne de démarcation au 55° de latitude, telle qu'elle avoit été déjà désignée dans l'acte d'incorporation accordé à notre Compagnie Americaine en 1799 par l'Auguste Prédécesseur de S. M. I.

Je crus devoir répondre au Chevalier Bagot, qu'il avoit bien raison de trouver que nous étions l'un et l'autre loin de notre compte; que pour ma part, j'en étais d'autant plus peiné, que je n'entrevoyois aucune considération qui dût engager le Gouvernement Impérial à reculer les limites de ses possessions sur la côte Nord-Ouest de l'Amérique, de deux degrés au delà même due point indiqué dans la Charte de l'Empereur Paul I. dont il vient d'être question.

Je lui fis observer, que si l'édit du 4 Septembre 1821, aviot pû blesser les intérêts coloniaux et maritimes de quelques Puissances étrangères, on s'est empressé chez nous, aux premières réclamations qu'elles nous ont fait parvenir, de suspendre les dispositions de cet édit, et spécialement celles qui donnoient le plus de prise à ces réclamations; que dans les explications subséquentes, le Gouvernement Impérial a constamment manifesté les intentions les plus conciliantes; qu'il étoit disposé a faire toutes les concessions réclamées par la justice, et dans la question des limites territoriales et dans celle relative à la jurisdiction maritime. Mais qu'il auroit naturellement beaucoup de répugnance à se dessaisir d'une limite établie par la Charte de Paul I. et sanctionée en quelque façon par une possession non contestée d'environ un quart de siècle.

La dite Charte n'ayant point été officiellement communiquée dans le tems aux puissance étrangères je ne m'obstinerai point à soutenir (disais-je) qu'elle constituât un droit parfait. Mais qu'il n'étoit pas moins vrai, que les puissances étrangères ne pouvoient ignorer l'existence de cette Charte, et que depuis l'époque de sa publication en Russie,

jusqu'à celle de l'édit du 4 Septembre, elle n'a donné lieu à aucune réclamation de leur part.

Je demandois en suite au Chevalier Bagot, s'il ne reconnoissait pas lui même que ce seroit vouloir imposer un sacrifice trop sensible à la dignité du Gouvernement Impérial que de prétendre qu'il dise aujourd'hui à ses propres sujets: Nous vous avons laissés croire depuis 22 ans que les limites de nos possessions sur la côte N. O. de l'Amérique s'étendoient depuis le détroit de Behring jusqu'au 55° de latitude; eh bien, nous vous disons maintenant que c'étoit une erreur et que la limite méridionale doit s'arrêter au 57°, parce qu'on vient de nous démontrer que le territoire que dépasse cette limite ne nous a jamais appartenu.

Finalement je priai le Chevalier Bagot d'observer, que dans toute cette affaire il ne pouvoit être question, pour la Russie, que de concessions; qu'en replaçant les limites de ses possessions sur les continent d'Amérique au 55° (si toutefois le Gouvernement Impérial s'y déterminoit, ce que je ne pouvois prendre sur moi de pressentir) et en modifiant simultanément son principe de juridiction maritime, la Russie satisfesoit non seulement aux désirs raisonables de tous les gens modérés en Angleterre, mais qu'elle fermeroit aussi la bouche aux déclamateurs exagérés du parti de l'opposition, qui ne cessent d'entretenir le public, soit dans les nouvelles du jour, soit dans les séances du Parlement, de ce qu'ils appellent l'ambition démesurée de la Russie.

Car il seroit alors indubitable que les résultats matériels et moraux de la négociation seroient tous à l'avantage de l'Angleterre.

L'Ambassadeur d'Angleterre parut sentir le poids de ces considérations et ne fit même aucune difficulté d'avouer qu'il les trouvoit plausibles. Il me repondit toutefois, que ses instructions ne l'autorisent point à admettre aucune autre ligne de démarcation et qu'il ne lui restoit par conséquent d'autre parti à prendre que de s'en remettre aux avis ultérieurs de la part de son Gouvernement.

En nous séparant, après un entretien de 2 heures et demie, nous nous sommes réciproquement invités à réfléchir sur les objets de notre discussion. J'ajoutai en définitif, que bien que nous fussions loin d'être d'accord sur la question territoriale, je la croyois néanmois avancée et susceptible d'un développement facile et prompt, ne fut ce que par la franchise, que nous avons mis, tous deux, dans la manière, dont nous l'avions énoncée et que cette initiative ne pouvait être que de bon augure.

Dans le compte que je viens de rendre à V. Exc. de mon premier entretien avec l'Ambassadeur d'Angleterre, je me suis particulièrement attaché à consigner, avec une scrupuleuse exactitude, tout ce qui s'est dit entre nous, concernant la question territoriale, que je crois devoir envisager comme le point le plus important de la négociation.

Des considérations d'une importance secondaire, mais que je ne puis passer sous silence, ont été incidentellement mentionnées durant la discussion. C'est ainsi qu'après m'avoir fait part du projet de démarcation conçu par son Gouvernement, le Chev. Bagot est convenu sans hésiter, que les limites entre les possessions respectives une fois établies, nous serions parfaitement les maîtres d'introduire, dans le territoire qui nous sera dévolu, tels règlemens administratifs que notre propre sagesse nous aura suggérés. C'est à dire qu'il nous sera parfaitement libre d'admettre dans nos parages la navigation étrangère, ou bien de nous en réserver exclusivement l'exploitation.

L'Ambassadeur d'Angleterre me déclara de plus, qu'à cet égard son

Gouvernement ne songeait à se ménager aucune exception en faveur des sujets britanniques.

Tout en m'expliquant les motifs qui ont engagé le Gouvernement britannique à faire, pour ainsi dire cause commune avec les Américains, dans la question de la juridiction maritime, motifs que le Chev. Bagot dit avoir communiqués à V. Exc. il convenait avec moi de la manière la plus explicite que la question territoriale ne regardait nullement les Américains. Mais il pensait comme moi, que ces derniers chercheront à obtenir de nous la reconnoissance de ce qu'ils prétendent être un ancien droit à eux appartenant, non seulement de naviguer librement dans nos parages, mais aussi de trafiquer avec les naturels du pays.

Lorsque j'observai au Chevalier Bagot que sa ligne de démarcation nous enlevait, ou la totalité, ou la meilleure moitié de l'isle de St. Georges autrement Sitka (sauf erreur) il me parla d'un dédommagement pécuniaire pour les pertes que nous pourrions y essuyer. Je n'ai pas crû devoir me permettre ni d'encourager, ni de rejetter cette insinuation; je la passai donc sous silence.

Le surlendemain de cette entrevue, Sir Charles Bagot est revenu chez moi dans la matinée, pour me dire que l'objet de sa visite était uniquement de rectifier une erreur involontaire qu'il avoit commise en parlant du 137° tandis qu'il entendait le 135°.

[Translation.]

M. Poletica to Count Nesselrode.

ST. PETERSBURG, *November 3, 1823.* (Received 7/19 Nov.)

COUNT: Immediately after your excellency left St. Petersburg, in the month of August last, I proceeded to the execution of the orders which were given me in the Department on the 18th of the same month.

I thought that before entering into negotiations with the English ambassador and the American envoy, it would be well for me to be thoroughly informed as to the views of our American company, both with regard to the question concerning the boundaries of its possessions on the northwest coast of the American continent, and the more important subject of the maritime jurisdiction, which the edict of September 4, 1821, had extended to the distance of 100 Italian miles from the coasts of the mainland. My conversations on these two points with Privy Councillor Count de Lambert, whom the ministry of finance had appointed to represent the interests and the wishes of our American company, convinced me that the interests would be protected and the wishes entirely satisfied if we succeeded in fixing the boundaries of the possessions of the said company at the fifty-fourth degree of north latitude, and by giving them in depth such a degree of longitude (meridian of Greenwich) as, in its prolongation toward the pole, would leave the Mackenzie River outside of our boundary.

In fixing the longitude, Count de Lambert had mainly in view the establishment of a barrier at which would be stopped, once for all, to the north as to the west of the coast allotted to our American company, the encroachments of the English agents of the amalgamated Hudson Bay and Northwest English Company, whom a more intimate acquaintance with the country traversed by the Mackenzie River

might easily bring in the course of time into the neighborhood of our establishments.

At the same time, Count de Lambert did not leave me in ignorance of the fact that our American company was not in the least disposed to make any concessions whatever, either to the English or Americans, with respect to commerce or navigation within the borders of its acknowledged possessions; that it was, on the contrary, firmly resolved to reserve their exclusive exploitation for itself; and this determination on its part, is worthy of notice, as in all probability it will constitute the chief and even the only difficulty in the negotiations with the Government of the United States of America.

Furnished with these data, which supplemented the directions and the ample information given me by the imperial ministry, I proceeded to place myself in communication with the Chevalier Bagot and Mr. Middleton.

As the American envoy was in the city, I went to see him first. I informed him in general terms of the object of my visit, and expressed my warm desire to contribute, even indirectly, to the removal of the differences which had arisen between the two Governments on the subject of the measures taken by us to protect the threatened interests of our American company.

Mr. Middleton replied, after the usual courtesies, that he greatly regretted that he could not, at that time, indulge his own impatience to enter upon the subject with me at once, as he had no positive instructions from his Government on this important point; that he was expecting them daily, and that as soon as they reached him he would hasten to notify me. In the course of the conversation Mr. Middleton gave me to understand that he and the English ambassador had agreed to go hand in hand, so to speak, in that part of the negotiations relating to the maritime jurisdiction.

It was evident from the American envoy's reply that any further steps on my part near him would be useless until the arrival of the instructions which he was expecting. I therefore decided to remain perfectly quiet so far as he was concerned.

At about the same time I first saw the English ambassador at his country house.

Chevalier Bagot received me with the most open courtesy, and, although he also did not think proper to express himself otherwise than in general terms upon the matter which we were to discuss together, his language and the tone which he used clearly indicated the most conciliatory sentiments. He corroborated what Mr. Middleton had told me concerning their agreement to act in concert on the question of the maritime jurisdiction.

Chevalier Bagot postponed the commencement of our negotiations in regular form until his return to the city, which would be within a fortnight. Accordingly, two days after his return to the city, the English ambassador paid me a visit, which passed in mere civilities, but he intimated that as Mr. Middleton's new instructions had not yet arrived it would be proper to wait some time longer. Some days afterwards I had the honor to dine at the British ambassador's. Upon leaving the table, he took me aside to tell me that, while awaiting the instructions which Mr. Middleton had not yet received, there was nothing to prevent our discussing the territorial question, to which the Americans were, in a measure, strangers. He therefore proposed to me that he

should go to my house on some day that would suit us both. All my efforts to induce the Chevalier Bagot to receive me at his house were in vain.

On the day fixed, the 2d October last, Sir Charles Bagot called on me at about noon. He began by asking me whether, in the event that he communicated to me any specific proposition whatever relative to the territorial question, I was authorized to tell him whether that proposition would or would not be acceptable to the Imperial Government. I immediately replied to the British ambassador that my instructions did not permit me to make any positive declaration on the subject; that they were simply confined to permitting me to discuss the matter in question confidentially either with him or with Mr. Middleton, to furnish them with all the explanations that the discussion might suggest to me; and this, with a view to facilitating the direct and formal negotiations, when they should come to be instituted after the return of His Imperial Majesty; that these preliminary discussions, which I had been authorized to begin with him and Mr. Middleton, had appeared to the Imperial Government to be a suitable means of hastening the direct negotiations and of shortening the subsequent discussions and the writings, in so far as they would make known beforehand the general views of the respective Governments as to the matter which was to be settled; that it followed, consequently, that I could not entertain any proposition otherwise than by taking it ad referendum.

This point having been explained, Chevalier Bagot requested me to inform him what, in the opinion of the Imperial Government, should be the line of separation between our possessions on the northwest coast of America and those which England thought herself entitled to claim. I thought that it would be better to meet the question frankly. Consequently, avoiding circumlocutions [I said], that the Imperial Government would think that it had made all the concessions required by its moderation and its earnest desire to maintain a good understanding with all foreign powers by fixing the boundary between the Russian and English possessions at the fifty-fourth degree of latitude, and by giving for the longitude such a line as in its prolongation in a straight line toward the pole would leave the Mackenzie River outside of the Russian frontier.

Chevalier Bagot, after a moment's reflection, replied that the point of demarcation which I had just designated was very far from being that which his Government would have wished to fix. He then told me that, according to all the researches which had been made in England, and the opinions expressed by the most learned lawyers, the right of Russia to the possession of the northwest coast of America below the sixtieth degree of latitude was anything but well established; that the only legitimate title to any territorial possession was, according to the opinion of the English publicists and that of the lawyers who had been consulted, not the first discovery, nor even the taking possession in accordance with the ancient formalities used by navigators, but the actual occupation of the newly discovered territories; that this proof of the right was wanting in the evidence produced up to the present time by Russia, with the exception of the establishment of Novo-Archangelsk, which, however, only dates from the year 1802 or 1803. In support of what he had just told me, Chevalier Bagot read me an opinion of the the King's counsel, in London, drawn up in the sense

which he had stated; and, to prove to me that the claims of Russia to the possession of the points below the sixtieth degree of latitude on the said coast were of very recent origin, the British ambassador read to me some portions of the correspondence (which occurred in 1790) between Count Florida Blanca and Mr. Fitzherbert, afterwards Lord St. Helens, at the time of the difference which had arisen between Spain and England with regard to Nootka Sound (see the Annual Register for 1790, pp. 292–301). This correspondence, said Mr. Bagot, contained, according to the assertions of the court of Madrid, an explicit recognition on the part of Russia of the right of Spain to the possession of the northwest coast of America, from the point of California, belonging to Spain, to the sixty-first degree of latitude, inclusive.

In the midst of this argument the British ambassador suddenly suspended the discussion in order to tell me that his Government had, after all, no intention of discussing the territorial question according to the abstract principles of public law or of international law; that that would have the effect of rendering the discussion interminable; that the cabinet of London expected a more satisfactory result for the two parties interested, from an amicable arrangement which would be based only upon mutual consent, and that his instructions had been drawn up in that spirit.

I replied to Sir Charles Bagot that in the matter in question, so far as I could foresee the views of the Imperial Government, I believed that I could take upon myself boldly to assure him that they were in perfect agreement with those of the cabinet of London. I then asked him to tell me the point of demarcation, which, in the opinion of his Government, ought to divide the respective possessions on the northwest coast of America.

Chevalier Bagot then placed himself before the geographical map which we had at hand, and traced upon it with his finger a line beginning at the fifty-seventh degree of latitude, the intersection of which designated the one hundred and thirty-fifth degree of longitude west of Greenwich, precisely at the point where our establishment of Novo-Archangelsk appears to be.

This demarcation would certainly leave a considerable space between the boundaries designated on both sides, even if the Imperial Government should decide, in the interests of conciliation, to bring the line of demarcation up to the fifty-fifth degree of latitude, as it had already been fixed in the act of incorporation granted to our American company in 1799 by His Imperial Majesty's august predecessor.

I thought it my duty to tell Chevalier Bagot in reply that he had good reason to say that we were both greatly out in our reckoning; that for my part I regretted it the more because I could see no consideration that could induce the Imperial Government to draw back the boundary of its possessions on the northwest coast of America two degrees beyond the point mentioned in the charter of the Emperor Paul I, which has just been referred to.

I remarked that if the edict of September 4, 1821, had been detrimental to the colonial and maritime interests of any of the foreign powers, we had hastened, at the first remonstrances which they had addressed to us, to suspend the execution of the provisions of that edict, especially those which gave most cause for those remonstrances; that in the subsequent explanations the Imperial Government constantly manifested the most conciliatory intentions; that it was dis-

posed to make all the concessions which justice required, both upon the question of the territorial boundaries and upon that of the maritime jurisdiction: but that it would naturally be very unwilling to abandon a boundary established by the charter of Paul I and confirmed, to some extent, by an undisputed possession of about a quarter of a century.

As the said charter was not at that time officially communicated to the foreign powers, I will not persist in maintaining, said I, that it constitutes a de facto right; but that it was none the less true that the foreign powers could not have been ignorant of the existence of that charter, and that from the time of its promulgation in Russia to that of the edict of September 4, [1821], it had not occasioned any protest on their part.

I then asked Chevalier Bagot whether he did not himself admit that it would be attempting to impose too great a sacrifice upon the dignity of the Imperial Government to require it to say now to its own subjects: "We have allowed you to believe for twenty-two years past that the boundaries of our possessions on the northwest coast of America extended from Bering Strait to the fifty-fifth degree of latitude; well, we tell you now that it was a mistake, and that the southern boundary must stop at the fifty-seventh degree, because it has just been proved to us that that boundary never belonged to us."

Lastly, I requested Chevalier Bagot to take notice that in this whole matter, as far as Russia was concerned, it could only be a question of concessions; that by replacing the boundary of her possessions on the continent of America at the fifty-fifth degree (provided always that the Imperial Government decided to do so, which I could not take upon myself to predict), and by modifying at the same time her theory of maritime jurisdiction Russia not only complied with the reasonable wishes of all moderate people in England, but that she would also silence the extravagant declaimers of the opposition party, who were incessantly haranguing the public, either in the daily papers or in the sessions of Parliament, about what they call the unbounded ambition of Russia.

For there would then be no doubt that the material and moral results of the negotiations would all be to the advantage of England.

The English ambassador seemed to feel the weight of these arguments, and did not hesitate to admit that he thought them plausible. He replied, however, that his instructions did not authorize him to agree to any other line of demarcation, and that consequently he had no other course to take than to await further instructions from his Government.

Upon separating, after an interview of two hours and a half, we each requested the other to reflect on the subjects of our discussion. I added, in substance, that although we were far from agreeing upon the territorial question I still thought that we had made some progress, and that it was susceptible of an easy and speedy settlement, were it only owing to the candor which we had both displayed in our way of discussing it, and that this beginning was very promising.

In the account which I have just given your excellency of my first conversation with the English ambassador I have endeavored especially to repeat with scrupulous accuracy all that was said between us concerning the territorial question, which I think that I ought to regard as the most important point in the negotiations.

Matters of secondary importance, but which I can not pass over in

silence, were incidentally mentioned during the discussion. In this way Chevalier Bagot, after informing me of the plan of demarcation devised by his Government, agreed unhesitatingly that when the boundaries between our respective possessions were once established we would be perfectly free to introduce into the territory allotted to us such administrative regulations as our own wisdom might suggest; that is to say, that we shall have full liberty to permit foreign navigation in our waters or to reserve them exclusively for our own use.

The English ambassador declared to me, moreover, on this subject that his Government was not thinking of procuring any exceptional privileges for British subjects.

While explaining to me the reasons which induced the British Government to make common cause, so to speak, with the Americans in the question of the maritime jurisdiction, which reasons Chevalier Bagot said that he had communicated to your excellency, he agreed with me in the most explicit manner that the territorial question did not concern the Americans in the least; but he thought, as I did, that they would try to obtain from us the recognition of what they claim to be an ancient right belonging to them, not only to navigate our waters freely, but also to trade with the natives of the country.

When I remarked to Chevalier Bagot that his line of demarcation deprived us of the whole or the larger half of the Island of St. George, otherwise called Sitka (if I am not mistaken), he spoke of a pecuniary indemnity for the losses that we might sustain there.

I did not think that I ought to allow myself either to encourage or reject this suggestion. I therefore passed over it in silence.

Two days after this interview Sir Charles Bagot returned to my house in the morning to tell me that the object of his visit was only to rectify an involuntary mistake which he had made in speaking of the one hundred and thirty-seventh degree, when he meant the one hundred and thirty-fifth.

Shipowners' Society to Mr. G. Canning.

NEW BROAD STREET,
November 19, 1823. (Received Nov. 24.)

SIR: In the month of June last you were pleased to honor me with an interview on the subject of the Russian ukase prohibiting foreign vessels from touching at or approaching the Russian establishments along the northwest coast of America therein mentioned, when you had the goodness to inform me that a representation had been made to that Government, and that you had reason to believe that the ukase would not be acted upon; and very shortly after this communication I was informed, on what I considered undoubted authority, that the Russian Government had consented to withdraw that unfounded pretension.

The committee of this society being about to make their annual report to the shipowners at large, it would be satisfactory to them to be able to state therein that official advices had been received from St. Petersburg that the ukase had been annulled; and should that be the case, I have to express the hope of the committee to be favored with a communication from you to that effect.

I have, etc.,

GEORGE LYALL, *Chairman.*

Mr. G. Canning to Count Lieven.

[Private and confidential.]

FOREIGN OFFICE, *November 25, 1823.*

MY DEAR COUNT LIEVEN: I have received the inclosed letter from the Shipowners' Society. My answer to it must be in writing, and not long after it will be in print.

I wish, therefore, that you should know beforehand what the nature of it will be, and for that purpose I inclose a draft of it which I will be obliged to you if you will return with any remark that may occur to you, returning also Mr. Lyall's letter.

I have, etc., GEO. CANNING.

Count Lieven to Mr. G. Canning.

[Particulière et confidentielle.]

ASHBURNHAM HOUSE, *le 26 Novembre, 1823.*
(Received Nov. —.)

MON CHER M. CANNING: Je vous suis infiniment reconnaissant de la communication que vous avez bien voulu me faire. En vous restituant ci-près les deux annexes jointes à votre lettre, et en me prévalent de la permission que vous avez eu la bonté de me donner, je prends la liberté de vous observer: qu'il serait désirable que le passage marqué au crayon dans la Minute de votre réponse fut substitué par l'annonce, "que les nouvelles instructions données aux Commandants des croisières Russes sont conçues dans l'intention de prévenir les voies de fait entre les vaisseaux Russes et ceux des autres nations, et qu'en général elles peuvent être considérées comme de nature à faire suspendre provisoirement l'effet de l'Ukase Impérial du 4 Septembre, 1821."

Je crois que par ces expressions l'objet de tous serait également atteint.

Veuillez, &c. LIEVEN.

[Translation.]

Count Lieven to Mr. Canning.

[Private and confidential.]

ASHBURNHAM HOUSE, *November 26, 1823.*
(Received Nov. —.)

MY DEAR MR. CANNING: I am infinitely grateful to you for the communication which you have so kindly made to me. Returning herewith the two inclosures to your letter, and availing myself of the permission that you have had the goodness to grant me, I take the liberty of saying it would be desirable that the passage marked in pencil in the rough draft of your reply be replaced by the notice "that the new instructions given to the commanders of the Russian cruisers are drawn up with the idea of preventing collisions between the Russian ships and those of other nations, and that, in general, they may be considered of such a nature as to provisionally suspend the effect of the imperial ukase of September 4, 1821."

I believe that by this mode of expression the object of all would be equally attained.

Pray accept, etc., LIEVEN.

Foreign Office to Ship-owners' Society.

FOREIGN OFFICE, *November 26, 1823.*

SIR: I am directed by Mr. Secretary Canning to acknowledge the receipt of your letter of the 19th instant, expressing a hope that the ukase of September, 1821, had been annulled.

Mr. Canning can not authorize me to state to you in distinct terms that the ukase has been "annulled," because the negotiation to which it gave rise is still pending, embracing, as it does, many points of great intricacy as well as importance.

But I am directed by Mr. Canning to acquaint you that orders have been sent out by the court of St. Petersburg to their naval commanders calculated to prevent any collision between Russian ships and those of other nations, and, in effect, suspending the ukase of September, 1821.

I am, etc.,

F. CONYNGHAM.

Mr. G. Canning to Sir C. Bagot.

No. 2.] FOREIGN OFFICE, *January 15, 1824.*

SIR: A long period has elapsed since I gave your excellency reason to expect additional instructions for your conduct in the negotiation respecting the Russian ukase of 1821.

That expectation was held out in the belief that I should have to instruct you to combine your proceedings with those of the American minister, and the framing such instructions was, of necessity, delayed until Mr. Rush should be in possession of the intentions of his Government upon the subject.

Upon receipt of your excellency's dispatch No. 48, reporting the arrival of Mr. Hughes at St. Petersburg, with the instructions of the Government of the United States to Mr. Middleton, I applied to Mr. Rush for information as to the tenor of those instructions. I then found, what I had not before been led to suspect, that Mr. Rush had himself authority to enter into negotiations with us as to the respective claims of Great Britain and the United States on the northwest coast of America, although he does not appear to have been instructed to invite such negotiation here if we should prefer leaving it to be conducted at St. Petersburg.

It seemed, however, that it would greatly facilitate your excellency's task at St. Petersburg if we could come to some satisfactory understanding with Mr. Rush on the principles and leading points of the negotiation, and that, at all events, it was advisable to ascertain so much from Mr. Rush as might enable us to judge whether it would or would not be expedient to agree to the proposal of the United States for combining our several negotiations with Russia into one.

Such a combination had indeed already been proposed by us with respect to so much of our respective discussions with Russia as turned upon the maritime pretensions of the Russian ukase. But that proposal had not been made in contemplation of the territorial question to which the pretensions of the United States have given a new and complicated character.

The object in applying jointly to Russia for a disavowal or qualifica-

tion of her maritime pretension was at once to simplify and to soften to Russia that act of qualification or disavowal by enabling Russia to satisfy both powers at once, without special and separate concession. But as, in the question of territorial limits, Russia, at whatever point her pretensions might be stopped, could have but one of the two powers for her neighbor, there did not seem to be any obvious advantage in bringing both to bear upon her together in the settlement of those limits.

It is true that as, while we confine upon the Russian territory to the north, we also confine upon that of the United States to the south, we must at one time or other come to a settlement with each of those powers. But there is no obvious or cogent necessity for making those settlements simultaneous, especially as we have already a convention subsisting with the United States which suspends the necessity of any definite settlement with that Government for five years yet to come.

Whether, therefore, your excellency should be empowered, according to the desire of the Government of the United States, to negotiate and conclude a tripartite arrangement with Russia and the United States, or should be instructed to pursue that negotiation with Russia singly, according to the tenor of your present powers, was a question to be determined in a great measure by the more or less probability of a satisfactory understanding between Great Britain and the United States as to their relative as well as their joint concerns in such negotiation.

Now we have good reason to believe that, in respect to the question of territorial dominion between us and Russia, an arrangement may be agreed upon which will satisfy the wishes and secure the convenience of both parties by a line of demarkation to be drawn between the southernmost settlement of Russia and the northernmost post of the Northwest Company.

The most southern establishment of Russia on the northwest coast of America is Sitka, which is not laid down in our latest maps with sufficient exactness, but which appears by the Russian map published in 1807 to be situated, as the inclosed copy of a letter from Mr. Pelly, chairman of the Hudson's Bay Company, also represents it, in latitude 57°, and not (as the map of which a copy was inclosed to your Excellency indicates) on the continent, but on a small island of the same name at the mouth of Norfolk Sound; the larger islands contiguous thereto, forming (what is called by Vancouver) King George's Archipelago, are separated from each other by a strait, called Chatham Strait, and from the mainland by another strait, called Stephen's Strait or passage. Whether the Russians have extended their settlements to these larger islands is not known, but Mr. Pelly positively avers that they have no settlement on the mainland, nor any commerce to the eastward of the coast. He suggests, therefore, either the channel between the islands, or that between the islands and the mainland, as the most desirable line of demarcation to the eastward, which being agreed to, the line to the southward might be drawn so as to comprehend Sitka and all the Russian settlements upon the islands. If this agreement could be obtained, it would effectually prevent all danger of a collision with Russia; and the United States not intending, as it is understood, to urge any claim in opposition to that of actual occupancy, whether on the part of Russia or of Great Britain, in the latitudes in which the claims of Great Britain and Russia come in contact, the

intervention of the United States in such an arrangement could be necessary only as an umpire.

Such an intervention in this case is not likely to be required, on account of an irreconcilable conflict between Great Britain and Russia; nor would a power whose pretensions are (theoretically at least) in conflict with both parties be the fittest for such an office.

Your excellency's dispatch No. 48 describes latitude 55° as the point at which M. Poletica appeared to wish that the line of demarcation between Russia and Great Britain should be drawn. By a memorandum which I have received from Mr. Rush of what his Government would propose as a general settlement, it appears that latitude 55° is the point which the United States likewise have proposed for that same line of demarcation.

This coincidence certainly argues either a foregone understanding between Russia and the United States, or a disposition on the part of the United States to countenance and promote what they know to be the desire of Russia.

When to this statement I add that the United States propose, according to the aforesaid memorandum of Mr. Rush, to draw the line of demarcation between themselves and Great Britain at latitude 51°, the point at which the Russian pretension, as set forth in the ukase of 1821, terminates, it does not seem very uncharitable to suppose that the object of the United States in making a selection, otherwise wholly arbitrary, of these two points of limitation for British dominion, was to avoid collision with Russia themselves, and to gratify Russia at the expense of Great Britain. There is obviously no great temptation to call in such an arbiter, if the partition between Russia and ourselves can be settled, as no doubt it can, without arbitration.

By admitting the United States to our negotiation with Russia, we should incur the necessity of discussing the American claim to latitude 51° at the same time that we were settling with Russia our respective limits to the northward.

But the question of the American claim is for the present merged in the convention of 1818; and it would be a wanton increase of difficulties to throw that convention loose, and thus to bring the question which it has concluded for a time into discussion precisely for the purpose of a coincidence, as embarrassing as it is obviously unnecessary.

If Russia, being aware of the disposition of the United States to concede to her the limit of latitude, 55°, should on that account be desirous of a joint negotiation, she must recollect that the proposal of the United States extends to a joint occupancy also, for a limited time, of the whole territory belonging to the three powers; and that the convention now subsisting between us and the United States gives that joint occupancy reciprocally to us in the territory to which both lay claim.

To this principle it is understood the Russian Government object; nor, so far as we are concerned, should we be desirous of pressing it upon them; but as between ourselves and the United States we are not prepared to abandon it, at least for the term for which the convention of 1818 has to run. There would be some awkwardness in a tripartite negotiation which was not to be conducted and concluded in all its parts upon a uniform principle.

These reasons had induced us to hesitate very much as to the expediency of acceding to the proposition of the United States for a com-

mon negotiation between the three powers, when the arrival of the speech of the President of the United States at the opening of the Congress supplied another reason at once decisive in itself, and susceptable of being stated to Mr. Rush with more explicitness than those which I have now detailed to your excellency. I refer to the principle declared in that speech, which prohibits any further attempt by European powers at colonization in America.

Upon applying to Mr. Rush for an explanation of this extraordinary doctrine, I found him unprovided with any instructions upon it. He said, indeed, that he had not heard from his Government since the opening of the Congress, and had not even received officially a copy of the President's speech.

His conviction, however, was, that against whatever power the President's doctrine was directed, it could not be directed against us. He appealed in support of that conviction to the existence of the convention of 1818, by which we and the United States hold for a time joint occupancy and common enjoyment of all the territory on the northwest coast of America above latitude 42°.

It was obviously the impression on Mr. Rush's mind that this pretension on the part of his Government was intended as a set-off against the maritime pretension of the Russian ukase.

I do not mean to authorize your excellency to report this construction at St. Petersburg as that of the American minister, but you will have no difficulty in stating it as one to which we think the President's speech liable, as that indeed which appears to us to be by far the most probable construction of it: as such, it furnishes a conclusive reason for our not mixing ourselves in a negotiation between two parties whose opposite pretensions are so extravagant in their several ways as to be subject not so much of practical adjustment as of reciprocal disavowal.

Mr. Rush is himself so sensible of the new consideration which is introduced into the negotiation by this new principle of the President's that although he had hitherto urged with becoming pertinacity the adoption of the suggestion of his Government, he has, since the arrival of the President's speech, ceased to combat my desire to pursue the course already begun of a separate negotiation at St. Petersburg, and has promised to write by this messenger to Mr. Middleton to prepare him for your excellency's continuing to act upon your former instructions.

It remains, therefore, only for me to direct your excellency to resume your negotiation with the Court of St. Petersburg at the point at which it was suspended in consequence of the expected accession of the United States, and to endeavor to bring it as speedily as possible to an amicable and honorable conclusion.

The questions at issue between great Britain and Russia are short and simple.

The Russian ukase contains two objectionable pretensions: First, an extravagant assumption of maritime supremacy; secondly, an unwarranted claim of territorial dominion.

As to the first, the disavowal of Russia is, in substance, all that we could desire. Nothing remains for negotiation on that head but to clothe that disavowal in precise and satisfactory terms. We would much rather that those terms should be suggested by Russia herself than have the air of pretending to dictate them; you will therefore urge Count Nesselrode to furnish you with his notion of such a decla-

ration on this point as may be satisfactory to your Government. That declaration may be made the preamble of the convention of limits.

As to the territorial question, I have already stated that the line of demarcation the most satisfactory to us would be one drawn through "Chatham Strait," the channel separating the island on which Sitka is situated from the island to the eastward of it, or if the Russians have establishments on that island also, then through the channel called "Stephen's Passage," which separates the whole archipelago from the mainland.

If one or the other of these channels can not be obtained as the boundary, then the line must be drawn on the mainland to the north of the northernmost post of the Northwest Company from east to west till it strikes the coast, and thence may descend to whatever latitude may be necessary for taking in the island on which Sitka stands.

It does not appear from your excellency's dispatch how far the line proposed by M. Poletica to be drawn at latitude 55° was intended to run to the eastward. If to the Rocky Mountains it obviously would be wholly inadmissible by us, inasmuch as the communication of the Northwest Company from Canada through those mountains with the whole of the northwest country is in a higher latitude than 55°.

Neither has Russia any claim whatever to any inland territory approaching that latitude. She has no occupancy inland. Mr. Pelly's report denies that she has any even on the coast. And it is to the coast alone that discovery could, in the nature of things, give any title.

It is absolutely essential, therefore, to guard against any unfounded pretension, or any vague expectation of Russia to the eastward, and for this purpose it is necessary that whatever degree of latitude be assumed, a definite degree of longitude should also be assigned as a limit between the territorial rights of the two powers.

If your excellency can obtain the strait which separates the islands from the mainland as the boundary, the prolongation of the line drawn through that strait would strike the mainland near Mount Elias—the lowest point of unquestioned Russian discovery. But if that were too much to insist upon, the one hundred and thirty-fifth degree of longitude, as suggested by your excellency, northward from the head of Lynns Harbor, might suffice.

It would, however, in that case be expedient to assign, with respect to the mainland southward of that point, a limit, say, of 50 or 100 miles from the coast, beyond which the Russian posts should not be extended to the eastward. We must not on any account admit the Russian territory to extend at any point to the Rocky Mountains. By such an admission we should establish a direct and complete interruption between our territory to the southward of that point and that of which we are in possession to the eastward of longitude 135° along the course of the Mackenzie River.

As your excellency had already made so much way in previous discussion, it is to be hoped that, on resuming the negotiation, very little time need be required to bring it to a conclusion. It is extremely important to conclude it as quickly as possible.

It being once decided not to negotiate jointly with the United States, we must take care to be out of the way while the discussions between Russia and the United States are going on; and the example of having come to agreement with us promptly and amicably on both points of litigation would, perhaps, be not less valuable to Russia in her subse-

quent discussions with the United States, than would have been the facility which we had in contemplation for Russia when we originally proposed that her disavowal of the maritime principle should be addressed simultaneously to us both.

At that time our claim to such disavowal and the claim of the United States were precisely alike; Russia had nothing to plead against either of us as a compensation for those claims. The principle put forth by the President of the United States has introduced a difference between the respective situations of the United States and Great Britain with respect to Russia which did not exist before. In the former state of things it might have been expedient, both for ourselves and for the United States, as well as less distasteful to Russia, to return an answer common to us both; but, as things stand now, Russia might naturally wish to qualify her answer to the United States with some reciprocal demand of explanation.

The only point of view in which the United States could now insist upon interfering with, or even taking cognizance of, the negotiation between us and Russia would be in order to see that the pretensions on the northwest coast of America derived to the United States from Spain through the treaty of 1819 were not prejudiced by our separate agreement.

That object can not be more effectually provided for than by inserting into our convention with Russia, as a protection for the claims of the United States, that part of the third article of the convention concluded by us with the United States in 1818 which was inserted in that convention for the protection of the claims of Spain herself in the rights which she had not then ceded. By that article it is stipulated that the agreement between the two contracting parties "should not be taken to affect the claims of any other power or state in any part of the said country." Such a clause your excellency will voluntarily propose to insert in the convention which you are to conclude with Count Nesselrode; and you will apprize Mr. Middleton of your intention of proposing that insertion.

I am, etc., GEORGE CANNING.

[Inclosure 1.]

Hudson's Bay Company to Mr. G. Canning.

HUDSON'S BAY HOUSE, LONDON, *January 8, 1824.*

SIR: In reference to the conversation which I had the honor of having with you on Monday last, I beg to call your attention to my letter of the 25th September, 1822, on the subject of the trading stations of the Hudson's Bay Company in the countries on the northwest coast of America.

In addition to what is therein stated, I have to inform you that it appears, by the intelligence received this last season, that our traders are extending their posts still farther to the northward in the country to the west of the Rocky Mountains.

It may be proper for me also to mention that the Hudson's Bay Company have a chain of trading posts on the McKenzie's River as far north as about 67° north latitude, and that Indians trade at those posts who come from the countries lying to the west of that river and to the north of 60° north latitude, and that our traders are extending their posts to the westward into that country.

The Russian station called "Sitka" is an island, and can give no claim by occupation to any part of the continent. But even if they had stations on the seacoast of the continent, this could not be held to give to Russia a better claim to a southern boundary on a line of latitude eastward than our stations in 67° north latitude give to Great Britain to one on a line of latitude westward.

From a want of accurate knowledge of the courses of the rivers or ranges of mountains, it is difficult to suggest any satisfactory boundary in the interior of the country in question, and (if consistent with your views) it might, perhaps, be sufficient at present to settle a boundary on the coast only and the country 50 or 100 miles inland, leaving the rest of the country to the north of that point and to the west of the range of the mountains, which separate the waters which fall into the Pacific from those which flow to the east and north, open to the traders of both nations.

In this case, I would suggest the northern end of the inlet called Chatham Straits as the most southern point at which the coast boundary ought to be fixed. This is but a little (if at all) to the north of the most northern trading station in the country to the west of the Rocky Mountains.

The islands lying to the west of Chatham Straits may be given to Russia; but the Russians not to trade either on the coast or in the interior south of the boundary, and the British not to trade on the coast north of it.

If it is considered proper to fix at present the interior boundary, I would suggest a line drawn from the above-mentioned point at Chatham Straits due north until it strikes the range of mountains which separate the waters (being the supposed continuation of the range called the Rocky Mountains), and thence to follow the ridge of these mountains to the Frozen Ocean.

This is the greatest concession which I think it would be advisable to make to Russia with regard to the interests of the British fur trade, and it would be desirable, as the means of preventing the risk of collision between the traders of the two nations, if Mount Elias on the coast at 60° north latitude was taken as the boundary point, from whence the line of longitude should be drawn.

I have, etc.,

J. H. PELLY.

[Inclosure 2.]

Memorial relating to the northwest coast of America.

The principal settlements of the Russian Fur Company in the North Pacific Ocean are on the Aleutian or Fox Islands, the Island of Kodiak being the great entrepôt or magazine of the peltries, which are collected in the neighboring islands and from Cooks Inlet, Prince Williams Sound, where, however, it does not appear the Russians have establishments inland, but the furs are collected by a coasting trader in the "baidarkat" or canoes.

Mr. G. S. Langsdorff, who accompanied Captain Krusenstern in his voyages in the years 1803, 1804, 1805, 1806, and 1807, in giving an account of the fur trade, gives the following statement and history of the settlement of Lichta:

"The constant decrease in the number of sea otters upon the coast of Kamchatka induced the Russians to extend their possessions eastward, first to the islands between the coasts of Asia and America and finally to the northwest coast of America.

Norfolk Sound appearing to present a favorable spot for an establishment, it was considered expedient to take possession of it. A fortress, with proper warehouses and dwelling houses, were built. * * * After a time, the natives rose upon the Russians and killed almost the whole party. In the year 1804 the director, M. de Rosanoff, again took possession of it with a large force, building a fortress and giving it the name of Kerr Archangel.

If present occupation gives to a government the right of possession, the occupancy of Norfolk Sound could not give to Russia a claim to the coast bordering on the islands or the interior mainland, and it does not appear that Russia has any ports or settlements on the northwest coast of America which would give to Russia any right of claim to the country by present occupancy, except at a settlement called Bodego, which is on the coast of New Albion, in latitude 38° 30′.

The country of New Albion is covered with oak-ash pine timber of large dimensions, fit for shipbuilding, and on the coast of California a very fine description of hemp is found. The land is capable of the highest state of cultivation, producing excellent wheat, potatoes, hemp, and all kinds of vegetables.

The Russians build vessels of large burden at their settlement, and, under the pretext of encouraging the fur trade, have encroached so far south; and in the year 1805 they sent a M. de Resankoff to negotiate with the Spanish Government for permission to form an establishment in New California, which negotiation, however, failed.

The Russian Government have, however, never lost sight of this place, and it is

supposed are endeavoring to purchase the Californias from Spain; the possession of which would not only enable the Russian Government to form a naval arsenal in the Pacific, and, under the pretext of encouraging the fur trade, to form a hardy race of seamen and bold adventurers, but would give to that Government the power of interfering with the liberties of South America.

Russia can have no claim to the country of New Albion by the right of first discovery. This right is claimed by Great Britain and Spain, but from various authorities it belongs, beyond a doubt, to Great Britain, which it would be of great importance to establish, should Spain have ceded this country to Russia.

In the year 1574, Abraham Artilius, the geographer of the King of Spain, acknowledged that the northwest coast of America was quite unknown, and a few years after this declaration, Queen Elizabeth sent Sir Francis Drake on an expedition round Cape Horn, which he named Queen Elizabeth's Foreland, and he sailed as high as 48°, if not higher, landing at different places, and taking possession of the country, which he called New Albion, and which has been so named ever since.

It would thus appear the Russians have no claim to the coast, or to the mainland on the northwest coast of America, except to the land about Bodega, either by present occupancy or from first discovery, the land, which Icherikoff made in 1741, being the coast of Norfolk Sound and Island, and divided from the mainland by a broad channel, and as it does not appear that Russia has anywhere establishments or posts on the northwest coast of America lower than Prince Williams Sound, except Bodega, which could give her the claim to present occupancy.

Great Britain has, however, establishments of posts up to 37°, trading with Indians, to the northward, and a post on Mackenzie River as high as 67°, which are increasing by expeditions of discovery, and it may fairly, and with great reason, be hoped that Captain Franklin in his expedition will discover and take possession, if no treaty to the contrary is made, of all the coast and country to the westward of Mackenzie River as far as Icy Cape.

Mr. Enderby to Board of Trade.

PAUL'S WHARF, *February 7, 1824.*

SIR: After the long and patient audience you admitted Mr. Mellish and myself to on the 5th instant, I hope you will pardon my intruding on you by letter on the subject of nations claiming boundary lines of waters to prevent their colonies being interfered with.

Previous to the convention which was concluded with Spain in 1790 Mr. Pitt sent to desire I would call on him at the Treasury, which I did; he asked me how near the coast of Spanish America in the Pacific Ocean we fished for whales. I answered, frequently within 3 sea leagues. Mr. Pitt said he could not ask for such a short distance from the Spanish colonies on the coast of the Pacific Ocean, where all their most valuable gold and silver mines are placed, as they would be great objects for illicit trade, and that Spain was very jealous of any foreign intercourse with their most valuable colonies. Mr. Pitt said he believed Spain would be satisfied with a boundary line of 10 sea leagues from the coast, which I acceded to in behalf of the adventurers in the whale fishery.

As I conclude that a boundary line of waters in the North Pacific Ocean will be agreed to between Great Britain and Russia, I hope I may be pardoned suggesting that there ought not to be any boundary line in entering into Bering Straits for the purpose of fishing or of attempting to find a passage through. Bering Straits are very narrow in all parts, and it would be almost impossible to fish in those straits without being daily within 5 or 6 leagues from the Russian colonies on the eastern coast of the straits.

All I ask is that we may be protected in all our fair pursuits and

enterprises in killing whales, seals, and other amphibious animals, and in exploring and navigating the most distant and unknown parts of the oceans in search of islands not colonized without control from any foreign power.

I have, etc., SAM. ENDERBY.

Admiral Mordvinof to Count Nesselrode.

[Translation.]

20 FEBRUARY, 3 MARCH, 1824.

DEAR SIR: One of the members of the American Company has written a refutation of the rights to the sovereignty of the northwest coast of America arrogated to themselves by the English in the foreign newspapers. He intends to publish his work in one of the local journals, but as such intention can not be carried out without your excellency's personal approval, I have the honor to submit the production to your judgment.

It is well known that England boldly and without restraint arrogates to herself far and wide the rights of barter, trade, and jurisdiction, and in settling the boundaries of regions adjoining her colonies she measures for herself in degrees and leaves to her neighbors for their share miles, versts, and sagenes. She prepares herself with an extent of territory not requisite for the present time only, but what may appear necessary at some future time.

Seaboard colonies require for their welfare not only the control of the shore, but there is need of fields and forests, plains and mountains for the satisfying of the inhabitants' various and numerous wants.

England, landing at Port Jackson, proclaimed to all the powers that the whole of New Holland belonged to her, covered it on all the maps with her color, and permits no one to dispute her rights on this the greatest island in the world.

The Russians were the first to discover the northwest coast of America and effected the first settlements on it. They were the first to become acquainted, make friends, and join in barter, and even in family alliances, with the inhabitants of the mainland of this region.

For the maintenance of the original inhabitants in independence, Russia spared neither labor nor expense, subjected herself for many years to dangers, sustained many shipwrecks, and obtained rights which no other nation can lay claim to.

But if Russia did not possess so many solid and unquestionable rights, by the development of a wild region by natural right belonging to no one, it might appear immodest and rash if one of the negotiating parties demanded for herself the possession of the whole territory, and to her friendly neighbor left a little strip of no consequence, thirty or forty versts in width, and offered to a power of equal rank that which would make a nobleman well to do.

Russia already in the forties of the last century counted herself the sovereign of the northwest portion of America to the 55th degree of latitude, and annexed to her power the peoples inhabiting all the extent of the mainland up to the Cordillera Mountains themselves, a boundary laid out by nature; England only in recent times discovered the course of the river Mackenzie, which stretches out on the eastern side of those mountains.

In the determination of boundaries of domains by geographical

degrees, in the designation of frontiers by parallel and a meridian, versts and miles can not be accepted for the allotment in lands to one or the other side of those negotiating as to a mutual and just separation.

They can not be accepted when the separation is effected in a friendly manner and on the basis of mutual advantages, and this was proposed as a condition.

By the assignment to Russia upon the territory belonging to our Novo-Arkhangel colony, and along the coast to the north for a large extent, limited to 40 miles in width, we shall be pushed behind the 60th degree; for we shall have to leave all our colonies below that degree and recognize as English subjects all the inhabitants there converted by us to the Greek-Russian faith. Then we shall be in fact deprived of our old-time property which we have controlled even from the times of the Empress Anne. A little strip 40 miles wide can not furnish a useful possession in any connection not honorable for Russia as a power.

In 1822 a committee, composed of 22 ministers, for the investigation of the respective rights, recognized the autocracy (sovereignty) of the Emperor Alexander in northwest America to the parallel of the 51st degree, and upon this recognition was given out an imperial manifest for the declaration to all the foreign powers of the limits of the Russian Empire in America.

The small usefulness of a vast realm of wild territory certainly appears at the present time, but we can not forget the sacrifice made by Russia to the Chinese, of the domain lying from the Yablonoi Mountains to the Amur River. At the time of that sacrifice we were satisfied with the vast extent of Siberia and looked with contempt on the wilderness of the sacrificed territories, but now it is dawning on us that the Amur, the only river flowing out of Siberia into a sea for navigation, does flow altogether in our domains and this great loss we can not retrieve.

If at the present time circumstances should not be favorable for a profitable and just assignment of our boundaries on the mainland, then does not your excellency acknowledge as beneficial to lay aside the negotiations on this article until another time, and limit himself to the opening of the port of Novo-Archangelsk for the free entrance into it of foreign vessels, with the establishment of trade regulations and with the maintenance of the prohibition to have direct traffic with the savages, and to supply them with arms and powder, which they turn against us and against them as well, for it is known that several Americans of the United States have been killed with guns given by Europeans?

To the English and to the Americans the opening of our port is equally beneficial, and also for us, and they seek it very zealously. In the present affair they are the solicitors rather than we.

Brevity of time does not permit me to explain properly my meanings; therefore I humbly request your excellency to permit me to come to you, designating an hour that is free for you.

I have the honor, &c.

Sir C. Bagot to Mr. G. Canning.

No. 23.] ST. PETERSBURG, *March 17 (29), 1824.*
(Received April 13.)

SIR: It is with a feeling of considerable disappointment that, after a constant negotiation for more than six weeks, after having gone to

the utmost limit of your instructions—and after having taken upon myself to go even far beyond them—I should nevertheless have to acquaint you that I have entirely failed in inducing the Russian Government to accede to what I consider to be a fair and reasonable adjustment of our respective pretensions on the northwest coasts of North America, or to the adoption of any line of territorial demarcation which appears to me to be reconcilable, under the spirit of your instructions, with our legitimate interests in that quarter of the world.

In order that I may put you in complete possession of the whole course of my negotiation upon this subject, and may explain the precise grounds upon which I have felt myself compelled to suspend, for the present, all further proceedings in this business, it will, I fear, be necessary that I should enter into a detail of some length, and that I should load this dispatch with several papers which are now become of importance.

It was on the 16th of last month that I had my first conference upon this question with the Russian plenipotentiaries, Count Nesselrode and M. Poletica. I opened this conference by explaining to the plenipotentiaries the reasons for which His Majesty had judged it advisable to treat separately upon this matter, rather than, as it had been originally intended, in concert with the Government of the United States. I then laid before them Count Lieven's note to you of the 31st January, 1823, proposing that the question of strict right should be provisionally waived on both sides, and that the adjustment of our mutual pretensions should be made upon the sole principle of the respective convenience of both countries.

This basis of negotiation being willingly accepted by all parties, I stated that, so far as I understood the wishes and interests of Russia, her principal object must be to secure to herself her fisheries upon the islands and shores of the northwest coasts of North America and the posts which she might have already established upon them; that, on the other hand, our chief objects were to secure the posts upon the continent belonging to the Hudson Bay Company, the embouchures of such rivers as might afford an outlet for our fur trade into the Pacific, and the two banks of the Mackenzie River; that, in the belief that such were our respective objects, I would propose as our boundary a line drawn through Chatham Straits to the head of Lynn Canal, thence northwest to the one hundred and fortieth degree of longitude west of Greenwich, and then along that degree of longitude to the Polar Sea.

This proposal was made by me verbally, and was taken for consideration by the Russian plenipotentiaries, who at our next meeting offered a "contre-projet," which I afterwards requested might be reduced to writing, and of which I inclose a copy (Inclosure 1).

In offering this "contre-projet," Count Nesselrode seemed to intimate that, however disposed the Emperor might be to retract pretensions advanced by himself which might be thought to conflict with the interests of other powers, it would be asking too much of the imperial dignity to require that pretensions advanced twenty-five years ago by the Emperor Paul, and which had been hitherto undisputed, should be now renounced. I thought it my duty, upon an intimation of this kind being made, to declare at once that all considerations of such a nature were incompatible with the stipulated basis of our negotiation, and that if the question of national dignity was to be touched, I, too should have much to say upon that head, and should probably find it quite

impossible to make those concessions which, upon the simple ground of mutual convenience, I might perhaps without difficulty do. This explicit declaration had its desired effect, and the Russian plenipotentiaries engaged not to introduce again arguments of this kind into our discussions.

As the "contre-projet" offered to me appeared to be, generally speaking, entirely inadmissible, I drew up such a modification of my original proposal as would, I thought, meet the only reasonable objection made to it (an objection made in conversation by the Russian plenipotentiaries), viz, the inconvenience which Russia might experience by vessels of the United States claiming a right, under their convention with Great Britain, to visit the waters lying between King George's Archipelago and the islands and continent to the eastward of it, and which might, in this manner, seriously annoy the subjects of His Imperial Majesty in their pursuits and occupations upon those shores.

This modification of my first proposal will be found in the inclosed paper (inclosure 2), which I delivered to the Russian plenipotentiaries at our next conference.

You will observe that in making the proposal so modified, I, in fact, exceeded, in some degree, the strict letter of your instructions by assigning to Russia the islands lying between Admiralty Island to the north and Duke of York and Prince of Wales islands to the south, but I entertained sanguine expectations that such a proposal, coupled with the concession of a line of coast extending 10 marine leagues into the interior of the continent, would have been considered as amply sufficient for all the legitimate objects which Russia could have in view, and quite as much as she could pretend to with any shadow of real claim or justice.

So far, however, from this being the case, my amended proposal was met at our next conference by observations which I again requested might be reduced to writing, and which will be found in the inclosed paper (Inclosure 3).

As, in this paper, parts of the main continent to which Russia can not by possibility have ever acquired any claim, and of which Great Britain is at this moment actually in partial occupation, are offered to His Majesty in the light of concessions, it became necessary for me to reject any such offers as a boon in the most explicit terms, and you will find that I have not failed to do so in the inclosed paper (Inclosure 4), with which I replied to the paper in question.

As, however, I felt strongly the importance of adjusting this business, if possible, at the present moment, and as I felt also that although the Russian plenipotentiaries had, in consequence of my former remarks, agreed to waive altogether all question of national dignity in discussing it, His Imperial Majesty might yet possibly feel an invincible repugnance to retract from the pretensions advanced by the Emperor Paul in the charter given to the Russian-American Company in 1799 (however unacknowledged by other powers such pretension might have been), I thought that I should not act in opposition to the spirit at least of my instructions if, in deference to such a sentiment on the part of the Emperor, and with a view to finish the business quickly, I ventured to make yet one other proposition which, while it saved this point of dignity to Russia by giving to her the fifty-fifth degree of latitude as her boundary upon the islands, might preserve also uninterrupted our

access to the Pacific Ocean, and secure to His Majesty the fifty-sixth degree of north latitude as the British boundary upon the coast.

The proposition by which I had hoped to effect these objects will also be found in the paper (Inclosure 4), in delivering which I gave it clearly to be understood that it contained my ultimate proposition.

It was not till the day before yesterday, that is, nearly ten days after I had given in this paper, that I was invited to another conference, when I was informed that the Imperial Government had, after anxious consideration, taken their final decision, and that they must continue to insist upon the demarcation as described by them in the first paper (Inclosure 1).

Finding this to be the case, I repeated that I had already gone far beyond the utmost limit of my instructions. and that I was sorry to say that I must now consider our negotiations as necessarily suspended, so far at least as the question of territorial demarcation was concerned.

Count Nesselrode then inquired whether I should object to transmit to my court the final decision of himself and M. Poletica as it is declared in the inclosed paper (inclosure 5), and whether I did not think that His Majesty's Government, seeing how slight our disagreement was, might not be disposed to furnish me with such further instructions as would enable me to meet the views of the Russian Government, informing me at the same time that it was intended to acquaint Count Lieven by the courier, who is to be dispatched to night to London, with the course which the negotiation had taken, and to instruct him to hold some conversation with you upon the subject.

I told Count Nesselrode that I should, of course, feel it to be my duty to transmit this and all other papers connected with the negotiation to you without loss of time, but that I could not by any means take upon myself to say what might be the opinion of His Majesty's Government as to the pretensions so tenaciously adhered to by the Imperial Government, further than by saying that certainly they were such as had never been contemplated by my court in the instructions with which I had been as yet furnished, and that if a territorial arrangement perfectly satisfactory to both parties could not now be made, it might possibly be thought by my Government that our respective pretensions might still remain without any serious inconvenience in the state in which they had before stood, and that it would only be necessary for the present to confine their attention to the adjustment of the more urgent point of the maritime pretensions—a point which would not admit of equal postponement.

In reply to this observation Count Nesselrode stated, to my extreme surprise, that if the territorial arrangement was not completed, he did not see the necessity of making any agreement respecting the maritime question; and I found myself most unexpectedly under the necessity of again explaining very distinctly, both to him and to M. Poletica, that the maritime pretension of Russia was one which, violating as it did the first and most established principles of all public maritime law, admitted neither of explanation nor modification, and that my Government considered themselves possessed of a clear engagement on the part of Russia to retract in some way or other a pretension which could neither be justified nor enforced.

Here the matter rested; but I ought to state that, notwithstanding this unexpected observation of Count Nesselrode, I do not at all

believe that, had we been able to agree upon our southern line of demarcation, we should have found any real difficulty either as regards the retraction of the maritime pretension, or as regards our western boundary, or any of the other minor details which we should have been called upon to adjust; but the observation was made, and considering what has already passed upon this subject both here in London and in America, considering also the delicacy with which His Majesty had left it to the Russian Government themselves to frame the terms in which their retractation of this preposterous pretension should be made, His Majesty's Government may perhaps think it advisable that Count Lieven should be again given clearly to understand that it is a point to which no slight importance is attached by His Majesty, and that the pretension as it now stands will admit of no remedy but that of public, formal, and precise retractation in some shape or another.

Such has been the course of my late negotiation upon this question, and such the grounds upon which I have thought it my duty to suspend it for the present.

I know full well the inconvenience of breaking off such a negotiation in such a stage and upon a point which, judging only by the map, might perhaps appear of so little real importance to His Majesty's present interests, but when I consider by how much I have already exceeded my instructions, how more than doubtful is the real right of this Government to any part of the territory in most immediate dispute, and how much more exorbitant are their pretensions upon the north-west continent of America than I had before had reason to suspect, I certainly could not venture to take upon myself the heavy responsibility of making any further concessions of a territory the value and possible local advantages of which I had no means of estimating, and which I believe are as yet so imperfectly known.

It is somewhat remarkable that while the Russian pretension of maritime jurisdiction stands unrecalled among the ukases of the Imperial Government, a note such as that of which I herewith inclose a copy should have been addressed to me in the midst of our negotiations asking protection for a Russian ship to navigate in safety those very seas and visit those very shores which the Court of Russia has by such high-handed decrees declared to be a part of her exclusive dominions; and a part, too, which the other powers of the world are forbidden to approach.

I have not yet answered this note, but if I am pressed to do so before I can receive the instructions of His Majesty's Government in respect to it, I shall certainly grant the certificate required, as was done in a former and similar instance by Lord Cathcart.

I have, etc.,

CHARLES BAGOT.

[Inclosure 1.]

Counter-Draft by Russian Plenipotentiaries.

Les proposition faites par les Plénipotentiaires de Russie à Sir Charles Bagot, et que son Excellence a été priée de prendre en mûre considération, tendoient à faire admettre le 55e degré de latitude septentrionale comme ligne de démarcation entre les possessions respectives sur la côte nord-ouest de l'Amérique.

Cette même limite a déjà été assignée aux possessions Russes par la Charte que feu l'Empereur Paul Ier accorda à la Compagnie Américaine.

Comme le parallèle du 55e degré coupe l'ile du Prince de Galles dans son extrémité méridionale, laissant en dehors deux pointes de terre, les Plénipotentiaires de Russie ont proposé que ces deux pointes fussent comprises dans les limites Russes, voulant éviter par la une division de territoire également incommode aux deux parties intéressées.

Pour compléter la ligne de démarcation et la rendre aussi distincte que possible, les Plénipotentiaires de Russie ont exprimé le désir de lui faire suivre le Portland Canal jusqu'aux montagnes qui bordent la côte.

De ce point, la limite remonteroit le long de ces montagnes parallèlement aux sinuosités de la côte, jusqu'à la longitude du 139 degré (méridien de Londres), degré dont la ligne de prolongation vers le nord formeroit la limite ultérieure entre les possessions russes et angloises au nord, comme à l'est.

Le motif principal qui force la Russie à insister sur la souveraineté de la lisière indiquée plus haut sur la terre ferme depuis le Portland Canal jusqu'au point d'intersection du 60° avec le 139° de longitude, c'est que, privée de ce territoire, la Compagnie Russe-Américaine n'auroit aucun moyen de soutenir les établissemens qui seroient dès lors sans point d'appui, et qui ne pourroient avoir aucune solidité.

En revanche la Russie se feroit un devair d'ouvrir aux sujets de Sa Majesté Britannique la libre navigation de tous les fleuves qui aboutissent à l'océan dans cette même lisière.

Pour donner une dernière preuve de son empressement à aller au devant des vœux du Gouvernement Anglois, elle ouvriroit aussi au commerce des sujets de Sa Majesté Britannique et à leurs vaisseaux le port de Novo-Archangelsk, dans le cas où les propositions ci-dessus seroient acceptées.

[Inclosure 1.—Translation.]

Counter draft by Russian plenipotentiaries.

[Date as shown by Russian Archives, 12 (24) February, 1824.]

The proposals made by the Russian plenipotentiaries to Sir Charles Bagot, and which his excellency has been asked to take into careful consideration, aimed at having the fifty-fifth degree of north latitude accepted as the line of demarcation between the respective possessions on the northwest coast of America.

This same boundary has already been assigned to the Russian possessions by the charter which the late Emperor Paul I granted to the American Company.

As the parallel of the fifty-fifth degree cuts the southern extremity of Prince of Wales Island, leaving two points of land outside the line, the plenipotentiaries of Russia have proposed that these two points be comprised within the Russian limits, wishing thereby to avoid a division of territory, which would be equally inconvenient to the two interested parties.

To complete the line of demarcation and render it as distinct as possible, the plenipotentiaries of Russia have expressed the desire to make it follow Portland Channel up to the mountains which border the coast.

From this point the boundary would ascend along those mountains, parallel to the sinuosities of the coast, as far as the one hundred and thirty-ninth degree of longitude (meridian of London), the line of which degree, prolonged northward, would form the ulterior limit between the Russian and English possessions, to the north as well as to the east.

The principal motive which constrains Russia to insist upon sovereignty over the above-indicated lisière (strip of territory) upon the mainland (terre ferme) from Portland Channel to the point of intersection of 60° latitude with 139° longitude is that, deprived of this territory, the Russian-American Company would have no means of sustaining its establishments, which would therefore be without any support (point d'appui) and could have no solidity.

In return, Russia would make it a duty to open to the subjects of His Britannic Majesty the free navigation of all the rivers which empty into the ocean through the said lisière.

To give a final proof of her desire to anticipate the wishes of the English Government, she would also open to the trade of the subjects of His Britannic Majesty and to their vessels the port of Novo-Archangelsk in case the above proposals are accepted.

[Inclosure 2.]

Amended Proposal by Sir C. Bagot.

Comme il a été convenu de prendre pour base de négociation les convenances mutuelles des deux pays, il est à remarquer, en réponse à la proposition faite par les

Plénipotentiaries Russes, qu'une ligne de démarcation tracée de l'extrémité méridionale de l'Ile du Prince de Galles jusqu'à l'embouchure du Canal de Portland, de là par le milieu de ce canal jusqu'à ce qu'elle touche la terre ferme, de là jusqu'aux montagnes qui bordent la côte, et de là le long de ces montagnes jusqu'à la longitude du 139e degré, &c., ôteroit à Sa Majesté Britannique la souveraineté de toutes ces anses et de ces petites baies qui se trouvent entre les latitudes 56° et 54° 45′ dont plusieurs (à ce qu'il y a tout lieu à croire) communiquent directement aux Établissemens de la Compagnie de Hudson's Bay, et seroient par conséquent d'une importance essentielle pour son commerce, tandis que de l'autre côté la Compagnie Russe-Américaine ne possède aucun Établissement sur la terre ferme entre les deux parallèles susmentionnées, ni même sur l'Ile du Prince de Galles, ni sur les îles qui sont situées entre celle-ci et la terre ferme.

En acceptant la proposition faite par Sir Charles Bagot dans sa première conférence avec les Plénipotentiaires Russes, il n'y auroit (à ce qu'il paroit) qu'un seul inconvénient pour la Russie, celui qui pourroit résulter du droit que réclameroient peut-être les Etats-Unis, en vertu de leur Convention avec la Grande-Bretagne de l'année 1818, de naviguer librement dans tous les parages entre l'Ile du Roi George et la terre ferme, et de gêner ainsi de quelque sorte le commerce des sujets de Sa Majesté impériale dans ces eaux.

Pour obvier à cet inconvénient et pour assurer à la Russie l'entière souveraineté de ces parages, ainsi que toutes les îles et les côtes où il y a effectivement des Établissemens Russes, la Grande-Bretagne proposeroit de prendre pour ligne de démarcation entre les territoires des deux Puissances une ligne tracée de l'ouest vers l'est, par le milieu du canal qui sépare les Iles du Prince de Galles et du Duc d'York de toutes les îles situées au nord des dites îles jusqu'à ce qu'elle touche la terre ferme.

De là se prolongeant dans la même direction sur la terre ferme jusqu'a un point distant de la côte de 10 lieus marines, la ligne remonteroit de ce point vers le nord et le nord-ouest, parallèlement aux sinuosités de la côte, et toujours à la distance de 10 lieues marines du rivage, jusqu'au 140e degré de longitude (de Greenwich) dont elle suivroit alors du prolongement jusqu'à la Mer Polaire.

[Inclosure 2.—Translation.]

Amended proposal by Sir C. Bagot.

Since it has been decided to take as a basis of negotiation the mutual advantage of the two countries, it should be noted, in answer to the proposal made by the Russian plenipotentiaries, that a line of demarcation drawn from the southern extremity of Prince of Wales Island to the mouth of Portland Channel, thence up the middle of this channel until it touches the mainland (terre ferme), thence to the mountains bordering the coast, and thence along the mountains as far as 139° longitude, would deprive His Britannic Majesty of sovereignty over all the inlets and small bays lying between latitudes 56° and 54° 45′, whereof several (as there is every reason to believe) communicate directly with the establishments of the Hudson's Bay Company and are, consequently, of essential importance to its commerce; while, on the other hand, the Russian-American Company possèsses no establishments on the mainland (terre ferme) between the two above-mentioned parallels, or even on Prince of Wales Island, or on the islands located between the latter and the mainland.

In accepting the proposal made by Sir Charles Bagot in his first conference with the Russian plenipotentiaries, Russia would have had, it would seem, only one difficulty, that which might result from the right which might perhaps be claimed by the United States, by virtue of their convention of 1818 with Great Britain, to navigate freely in all the waters between King George's Island and the mainland (terre ferme), and thus, in a way, embarrass the trade of the subjects of His Imperial Majesty in these waters.

In order to obviate this difficulty, and to insure to Russia the exclusive sovereignty of these waters, as well as all the islands and coasts where there are really Russian establishments, Great Britain would offer to accept as the line of demarcation between the territories of the two powers a line traced from the west toward the east along the middle of the channel which separates Prince of Wales and Duke of York islands from all the islands situated to the north of the said islands until it touches the mainland (terre ferme).

Thence, extending in the same direction on the mainland to a point 10 marine leagues from the coast, the line would run from this point toward the north and northwest, parallel with the sinuosities of the coast, and always at a distance of 10 marine leagues from the shore, as far as the 140° of longitude (Greenwich), the prolongation of which it would then follow to the Polar Sea.

[Inclosure 3.]

Observations of Russian plenipotentiaries on Sir C. Bagot's amended proposal.

[Sent February 24 (March 7), 1824.]

Le motif qui a fait proposer l'adoption du principe des convenances mutuelles, et le premier avantage de ce principe, c'est d'empêcher que les Établissemens respectifs sur la côte nord-ouest ne puissent se nuire les uns aux autres et entrer en collission.

Les Établissemens Anglois de la Compagnie de la Baie de Hudson et du Nord-Ouest tendent à se porter vers l'ouest par les 53e et 54e degré de latitude septentrionale.

Les Établissemens Russes de la Compagnie Américaine tendent à descendre au sud vers le 55e parallèle, et au delà, car il est à remarquer que si la Compagnie Américaine n'a point encore formé d'Établissmens fixes sur la ligne mathématique due 55e degré, il n'en est pas moins vrai qu'en vertu de son privilège de 1799, privilège contre lequel aucune Puissance n'a jamais réclamé, elle exploite la chasse et la pêche dans ces parages, et que régulièrement elle occupe les îles et les côtes avoisinantes dans la saison qui lui permet d'y envoyer ses chasseurs et ses pêcheurs.

Il étoit donc de la convenance mutuelle des deux Empires d'assingner de justes limites à des progrès réciproques qui ne pouvaient qu'occaisonner avec letemps les plus fâcheuses.

Il étoit aussi de leur convenance mutuelle de déterminer ces limites d'après les séparatons naturelles qui forment toujours les frontières les plus distinctes et les plus certaines.

C'est par ces raisons que les Plénipotentiaires de Russie ont proposé pour limites sur la côte du continent au sud le Portland Channel, dont l'origine dans les terres est par le 56e degré de latitude nord, et à l'est la chaîne de montagnes qui suit à une très petite distance les sinuosités de la côte.

D'après les cartes les plus récentes et les meilleures publiées en Angleterre, les établissemens de la Compagnie de la Baie de Hudson ne se rapprochent des côtes que par le 53e et le 54e degré, et l'on ne sauroit prouver que sur aucun point ils arrivent jusqu'au grand océan.

Cependant, d'après le principe des convenances mutuelles, le projet d'arrangement des Plénipotentiaires de Russie laisse ouverts à l'extension successive des Colonies Anglaises:

1. Toute la partie de la côte située entre l'embouchure du Portland Channel et le 51e degré de latitude nord, envisagée comme limite des possessions russes dans l'oukase du 4 (16) septembre 1821.

2. Tout le territoire situé entre les etablissemens anglois au 54e parallèle et l'origine du Portland Channel, qui est au 56e parallèle.

3. Tout le territoire situé derrière la chaîne de montagnes dont il a été question ci-dessus, jusqu'au point d'intersection du 139e degré de longitude, méridien de Greenwich.

Les Plénipotentiaires de Sa Majesté Impériale, prévoyant même le cas où, sur la lisière de la côte qui appartiendroit à la Russie, il se trouveroit des fleuves au moyen desquels les Établissemens Anglois pourroient communiquer avec l'Océan, se sont empressés d'offrir, par une stipulation éventuelle, la libre navigation de ces fleuves.

Ils ont, en outre, annoncé à son Excellence Sir Charles Bagot que le port de Novo-Archangelsk sera ouvert au commerce des sujets de Sa Majesté le Roi de la Grande-Bretagne.

D'autre part, les Plénipotentiaires de Russie ont l'honneur de lui observer itérativement, que sans une lisière sur la côte du continent à partir du Portland Channel, les Établissemens Russes des îles du voisinage n'auroient aucun point d'appui; qu'ils seroient à la merci de ceux que des étrangers formeroient sur la terre ferme, et que tout arrangement semblable, loin d'être fondé sur le principe des convenances mutuelles, ne présenteroit que des dangers à l'une des Parties et des avantages exclusifs à l'autre.

On ne parlera point ici des deux pointes de l'Ile du Prince de Galles, qui sont situées au-dessous de la ligne du 55e degré de latitude nord. Ces deux pointes ne pourroient être d'aucune utilité à la Grande-Bretagne, et si les neuf-dixièmes de l'Ile du Prince de Galles appartiennent à la Russie, il est évidemment d'un intérêt réciproque que l'île lui appartenne tout entière.

Ce court exposé suffit pour justifier le projet que les Plénipotentiaires de Sa Majesté Impériale ont remis à Sir Charles Bagot, et sur la teneur duquel ils ne peuvent qu'insister.

Ils espèrent, au reste, que les intentions qui ont dicté ce projet seront appréciées tant par l'Ambassadeur de Sa Majesté Britannique que par son Gouvernement.

[Inclosure 3.—Translation.]

Observations of Russian plenipotentiaries on Sir C. Bagot's amended proposal.

The motive which caused the adoption of the principle of mutual expediency to be proposed, and the most important advantage of this principle, is to prevent the respective establishments on the northwest coast from injuring each other and entering into collision.

The English establishments of the Hudson's Bay and Northwest companies have a tendency to advance westward along the 53° and 54° of north latitude.

The Russian establishments of the American Company have a tendency to descend southward toward the fifty-fifth parallel and beyond, for it should be noted that, if the American Company has not yet made permanent establishments on the mathematical line of the fifty fifth degree, it is nevertheless true that, by virtue of its privilege of 1799, against which privilege no power has ever protested, it is exploiting the hunting and the fishing in these regions, and that it regularly occupies the islands and the neighboring coasts during the season which allows it to send its hunters and fishermen there.

It was, then, to the mutual advantage of the two Empires to assign just limits to this advance on both sides, which, in time, could not fail to cause most unfortunate complications.

It was also to their mutual advantage to fix these limits according to natural partitions, which always constitute the most distinct and certain frontiers.

For these reasons the plenipotentiaries of Russia have proposed as limits upon the coast of the continent, to the south, Portland Channel, the head of which lies about (par) the fifty-sixth degree of north latitude, and to the east the chain of mountains which follows at a very short distance the sinuosities of the coast.

According to the most recent and best maps published in England the establishments of the Hudson Bay Company approach the coast only along the fifty-third and fifty-fourth degrees, and it can not be proved that they reach the Great Ocean at any point.

Nevertheless, governed by the principle of mutual accommodation, the plan proposed by the plenipotentiaries of Russia leaves open to the future expansion of the English colonies—

1. All that part of the coast situated between the mouth of Portland Channel and the fifty-first degree of north latitude, which was regarded as the limit of the Russian possessions in the ukase of September 4 (16), 1821.

2. All the territory situated between the English establishments on the fifty-fourth parallel and the head of Portland Channel, which is at the fifty-sixth parallel.

3. All the territory situated behind the chain of mountains, in regard to which there has been dispute hitherto, to the point of intersection of the one hundred and thirty-ninth degree of longitude, meridian of Greenwich.

The plenipotentiaries of His Imperial Majesty, foreseeing even the case of there being found on the lisière of the coast which should belong to Russia rivers by means whereof the English establishments might be able to communicate with the ocean, have hastened to offer, by a contingent stipulation, the free navigation of such rivers.

They have further informed His Excellency Sir Charles Bagot that the port of Novo-Archangelsk will be opened to the trade of the subjects of His Majesty the King of Great Britain.

On the other hand, the plenipotentiaries of Russia have the honor to repeat to him that without a lisière upon the continental coast, starting from Portland Channel, the Russian establishments on the islands in the vicinity would have no support (point d'appui); that they would be at the mercy of the establishments which strangers might form upon the mainland, and that any such arrangement, far from being founded upon the principle of mutual accommodations, would but offer dangers for one of the parties and exclusive advantages for the other.

No reference will be made here to the two points of Prince of Wales Island, situated below the line of 55° north latitude. These two points can be of no service to Great Britain, and if nine-tenths of Prince of Wales Island belongs to Russia, it is clearly to the interest of both parties that the entire island should belong to her.

This brief statement will suffice to vindicate the draft which the plenipotentiaries of His Imperial Majesty sent to Sir Charles Bagot, and upon the tenor of which they are compelled to insist.

They further hope that the sentiments which originated this draft will be appreciated both by the ambassador of His Britannic Majesty and by his Government.

[Inclosure 4.]

Reply by Sir C. Bagot to Observations of Russian Plenipotentiaries.

La découverte ou la simple occupation de quelques îles situées sur la côte d'un continent ne peut donner aucun droit à la souveraineté de la terre ferme voisine, principe qui n'est pas moins fondé sur l'opinion reconnue des juristes les plus célèbres, que sur l'usage universellement observé entre les nations.

D'après ce principe, Sir Charles Bagot a constamment soutenu dans les Conférences qu'il a eu l'honneur d'avoir avec les Plénipotentiares de Russie, que Sa Majesté Britannique ne sauroit admettre que les droits de la Russie sur la côte nordouest du Continent d'Amérique puissent s'étendre vers le midi sur ce continent au delà du point où la Russie aura actuellement formé des Établissemens.

Il n'a jamais été affirmé par les Plénipotentiaires de Sa Mejesté Impériale que la Russie possède des Établissemens quelconques sur la terre ferme au sud du 60e ou 59e degré de latitude nord, mais ils ont déclare que, privée d'une lisiére sur la terre ferme, la Compagnie Russe-Américaine n'auroit aucun moyen de soutenir ses Établissemens sur les îles, qui serioent dès lors sans point d'appui et ne pourrioent avoir aucune solidité.

Tout argument fondé sur la considération de la convenance pratique de la Russie ne pouvoit être que du plus grand poids, et la Plénipotentiaire de Sa Majesté Britannique n'hésita pas d'abandonner, en conséquence de cette observation des Plénipotentiaires de Russie, la ligne de démarcation qu'il avoit d'abord proposée, savoir celle qui devoit passer par le milieu de Chatham Straits jusqu'à l'extrémité septentrionale de Lynn Canal et de là à Mont Elias, ou à l'intersection du 140e degré de longitude, et d'en proposer une autre qui assureroit à la Russie non seulement une lisière sur le continent, vis-à-vis de l'Établissemente le plus méridional qu'elle possède sur les îles, mais qui lui assureroit aussi la possession de toutes les îles et les eaux qui l'avoisinent, ou qui se trouvent placées entre cet Établissemente et la terre ferme, la possession enfin de tout ce qui pourroit devenir, par la suite, de quelque utileté, ou pour sa solidité ou pour sa prospérité.

Mais le Plénipotentiaire de Sa Majesté Britannique ne peut as admettre que la Russie accorderoit ou assureroit à Sa Majesté Britannique un nouvel avantage par sa renonciation á la partie de la côte située entre l'embouchure du Portland Canal et le degré de latitude envisagé comme limite des possessions Russes dans l'Oukase de 1821, ni même par sa renonciation à toute partie du continent au midi des Établissemens qui y ont été déjà formées; car, quand même Sa Majesté Britannique eût jamais reconnu ce degré de latitude comme formant la ligne de démarcation en autant qu'il regarde les îles, el ne pourroit, d'après le principe énoncé plus haut, l'avoir reconnu comme limite sur le continent voisin, sur lequel la Compagnie de la Baie de Hudson avoit déjà établi plusieurs de se ses postes les plus importants.

Cette Compagnie à en effet des Établissemens même près de la côte, au nord du 55e degré; Sa Majesté Britannique ne pourroit donc sans sacrifier les intérêts de la Compagnie renoncer à ses droits à la souveraineté de la côte, et des îles qui en dépendent immédiatement, jusqu'à la hauteur de 56° 30′ de latitude nord, quel que soit le degré de latitude que l'on pourra définitivement convenir de prendre pour imite entre les deux Puissances, en autant qu'il concerne les îles situées plus à l'ouest.

1 L'origine du Portland Canal puet être, comme il y a lieu de croire, l'embouchure de quelque fleuve qui coule par le milieu du pays occupé par la Compagnie de la Baie de Hudson, et il est par conséquent d'une importance majeure à la Grande-Bretagne d'en posséder la souveraineté des deux rives.

Ce fut dans l'espoir de pouvoir concilier ces objets indispensables avec ceux du Gouvernement Impérial, et déterminer sans plus de délai une question, qu'il paraissoit être également de l'intérêt des deux parties d'arranger définitivement au moment actuel, que le Plénipotentiaire de Sa Majesté Britannique eût l'honneur de proposer dans sa dernière Conférence avec les Plénipotentiaires de Russie, une ligne de démarcation, qui tout en conservant à la Russie pour limite méridionale sur les îles le degré de latitude désigné par l'Oukase de 1799, assigneroit en même tems à la Grande-Bretagne pour limite sur la côte de la terre ferme la latitude de 56° 30′ nord.

Il semble qu'une ligne tracée de l'extrémité méridionale du détroit nommé "Duke of Clarence's Sound" par le milien de ce détroit, jusqu'au milieu du détroit qui sépare les Iles du Prince de Galles et du Duc d'York de toutes les îles situées au nord des dites îles, de là, vers l'est par le milieu du même détroit jusqu'à la terre ferme, et se prolongeant ensuite dans la direction, et de la manière déjà proposées par le Plénipotentiaire de Sa Majesté Britannique jusqu'à Mont Elias, ou à l'intersection du 140e dégré de longitude, formeroit une ligne de démarcation qui concilieroit les convenances mutuelles des deux Parties, et qui assureroit peut-être d'une manière satisfaisante les intérêts réciproques tant actuels que futurs des deux Empires dans cette partie du globe.

[Inclosure 4.—Translation.]

Reply by Sir C. Bagot to observations of Russian plenipotentiaries.

The discovery or the mere occupation of a few islands situated on the coast of a continent can give no right to sovereignty over the neighboring mainland, a principle founded, not only on the accepted opinions of the best known jurists, but on the usage universally observed among nations.

According to this principle, Sir Charles Bagot has steadily insisted, in the conferences which he has had the honor to have with the Russian plenipotentiaries, that His Britannic Majesty can not admit that the Russian rights on the northwest coast of the American continent can extend southward on this continent beyond the point where Russia has actually formed establishments.

It has never been affirmed by the plenipotentiaries of His Imperial Majesty that Russia possesses any establishments whatever on the mainland (terre ferme) south of the sixtieth or fifty-ninth degree of north latitude, but they have stated that, if deprived of a strip (lisière) on the mainland, the Russian-American Company would have no means of maintaining its establishments on the islands, which would then be without a support (point d'appui), and could have no substantial footing.

Any argument founded on the consideration of the practical advantage of Russia could not fail to have the greatest weight, and the plenipotentiary of His Britannic Majesty did not hesitate to give up, in consequence of this observation of the Russian plenipotentiaries, the line of demarcation which he had first proposed, to wit, one passing along the middle of Chatham Straits as far as the northern extremity of Lynn Channel, and thence to Mount Elias, or to the intersection of the one hundred and fortieth degree of longitude; and to offer another which would secure to Russia, not only a strip on the continent, opposite the southernmost establishment which she possesses on the islands, but also the possession of all the islands and waters in its vicinity or which are situated between that establishment and the mainland (terre ferme); in short, possession of all that could in future be of any service, either to its stability or its prosperity.

But the plenipotentiary of His Britannic Majesty can not admit that Russia would grant or secure to His Britannic Majesty a new advantage by her renunciation of that part of the coast located between the mouth of Portland Channel and the degree of latitude regarded as the boundary of the Russian possessions in the ukase of 1821, or even by her renunciation of all parts of the continent south of the establishments which have already been formed there; for, even if His Britannic Majesty had ever recognized that degree of latitude as constituting the line of demarcation so far as the islands are concerned, he could not, according to the principle above stated, have recognized it as the boundary on the neighboring continent, on which the Hudson Bay Company had already established several of its most important posts.

This company has in fact establishments even nearer the coast north of the fifty-fifth degree; His Britannic Majesty can not, therefore, without sacrificing the interests of the company, renounce his rights of sovereignty over the coast and the islands directly dependent thereon, as far as 56° 30′ of north latitude, whatever degree of latitude it may be finally decided to accept as the boundary between the two powers in so far as relates to the islands located farther west.

The head of Portland Channel may be, as there is reason to believe, the mouth of some river flowing through the midst of the country occupied by the Hudson Bay Company, and it is, consequently, of great importance to Great Britain to possess the sovereignty of the two shores thereof.

It was in the hope of being able to reconcile these indispensable objects with those of the Imperial Government, and to decide without further delay a question which it appeared to be equally to the interest of both parties to settle definitely at the present time, that the plenipotentiary of His Britannic Majesty had the honor of proposing, in his last conference with the plenipotentiaries of Russia, a line of demarcation which, while preserving to Russia the degree of latitude designated in the ukase of 1799 as her southern boundary in the islands, would assign at the same time to Great Britain as her boundary on the coast of the mainland (terre ferme) the latitude of 56° 30′ north.

It seems that a line drawn from the southern extremity of the strait called "Duke of Clarence's Sound," through the middle of this strait to the middle of the strait which separates Prince of Wales and Duke of York islands from all the islands lying north of those islands, thence toward the east through the middle of the same strait to the mainland, to be prolonged afterwards in the direction and manner already proposed by his Britannic Majesty's plenipotentiary as far as Mount Elias or to the intersection of the 140th degree of longitude, would form a line of demarcation which

would conciliate the mutual convenience of the two parties, and which would perhaps satisfactorily assure the reciprocal interests, both present and future, of the two empires in that part of the globe.

[Inclosure 5.]

Final decision of Russian plenipotentiaries.

Les Plénipotentiaires de Russie ont porté à la connoissance de l'Empereur, leur Maître, les dernières propositions qui leur ont été faites par Sir Charles Bagot, relativement à la ligne de démarcation qui sépareroit les possessions Russes des possessions Angloises sur la côte nord-ouest du Continent de l'Amerique.

Attentivement examinées par Sa Majesté Impériale, ces propositions ne lui ont point paru de nature à pouvoir être acceptées.

L'Empereur charge ses Plénipotentiaires de déclarer itérativement à M. l'Ambassadeur d'Angleterre:

Que la possession de l'Ile du Prince de Galles, sans une portion de territoire sur la côte située vis-à-vis de cette ile, ne pourroit être d'aucune utilité à la Russie.

Que tout Etablissement formé sur la dite ile, ou sur celles qui l'environment, se trouverait en quelque sorte tourné par les Établissemens Anglois de la terre ferme, et complettement à la merci de ces derniers.

Qu'en consequence un arrangement semblable ne serait nullement conforme au principe des covenances mutuelles.

Qu'au reste, d'après le témoignage des Cartes les plus récentes publiées en Angleterre, il n'existe aucun Établissement Anglais ni sur la côte même du continent ni au nord du 54° de latitude septentrionale.

Qu'ainsi, quand les limites fixées aux possessions Russes par la Charte de 1799, n'auraient point en leur faveur depuis vingt-cinq ans le consentement tacite de toutes les Puissances, encore la Russie exerceroit-elle sur cette partie de la côte précisément les mêmes droits que la Grande-Bretagne, d'où il résulte que la question devrait toujours être résolue, non d'après les intérêts exclusifs d'un des deux Empires, mais de manière à concilier leurs intérêts réciproques.

Qu'enfin, quant à la navigation des fleuves, la Russie croyait avoir offert à la Grande-Bretagne tous les avantages et toutes concessions que celle-ci peut désirer.

Et que dans cet etat de choses les Plénipotentiaires de Sa Majesté Impériale avoient ordre d'insister sur leurs propositions antérieures, propositions dont ils ont amplement développé les motifs à son Excellence M. le Chevalier Bagot.

L'Empereur espère que ces motifs seront appréciés par le Gouvernement de Sa Majesté Britannique, et que M. l'Ambassadeur d'Angleterre les fera valoir avec ce désir de rapprocher les opinions respectives qu'il a manifesté dans tout le cours de cette négociation.

Sa Majesté Impériale est au regret de ne pas la voir terminée dès à présent; mais elle se flatte que les résolutions définitives du Cabinet de Londres empêcheront sans doute ces pourparlers de demeurer stériles.

St. Pétersbourg, *le 17 (29) Mars, 1824.*

[Inclosure 5.—Translation.]

Final decision of Russian plenipotentiaries.

The plenipotentiaries of Russia have brought to the knowledge of the Emperor, their master, the last proposals which were made to them by Sir Charles Bagot in regard to the line of demarcation which should separate the Russian possessions from the English possessions on the northwest coast of the American continent.

After being carefully examined by His Imperial Majesty, these proposals do not seem to him to be of such a nature that they can be accepted.

The Emperor charges his plenipotentiaries to repeat to the ambassador of England—

That the possession of Prince of Wales Island without a slice (portion) of territory upon the coast situated in front of that island could be of no utility whatever to Russia.

That any establishment formed upon said island or upon the surrounding islands would find itself, as it were, flanked by the English establishments on the mainland and completely at the mercy of these latter.

That, in consequence, such an arrangement could not in any wise conform to the principle of mutual accommodation.

That besides, according to the testimony of the most recent maps published in England, no English establishment exists either on the coast of the continent itself or north of the 54th degree of north latitude.

That thus, even if the boundaries fixed for the Russian possessions by the charter of 1799 had not in their favor the tacit consent of all the powers for the past twenty-five years, Russia would yet exercise, on this part of the coast, precisely the same rights as Great Britain, from which it results that the question would always have to be decided, not according to the exclusive interests of one of the two empires, but in such a way as to reconcile their mutual interests.

That finally, as to the navigation of the rivers, Russia believed that she had offered to Great Britain all the advantages and concessions that the latter could desire.

And that, in view of this state of things, the plenipotentiaries of His Imperial Majesty had received orders to insist upon their previous proposals, the reasons for which proposals they had fully explained to His Excellency Sir Bagot.

The Emperor hopes that these reasons will be appreciated by the Government of His Britannic Majesty, and that the ambassador of England will give them their proper weight, with that desire to reconcile the respective opinions which he has displayed throughout the course of these negotiations.

His Imperial Majesty regrets not to see them terminated at the present time, but he is pleased to believe that the final decisions of the London cabinet will prevent these discussions from being barren of result.

ST. PETERSBURG, *March 17 (29), 1824.*

[Inclosure 6.]

Memorandum.

La Compagnie Russe-Américaine a été munie à différentes époques de la part des Missions étrangères accréditées près la Cour Impériale de Russie de certificats destinés à assurer appui et protection aux navires que la dite Société dirige vers les contrées soumises à la domination des Puissances amies.

Sachant apprécier tous les avantages d'une assistance aussi efficace, la Compagnie vient de s'adresser au Ministère Impérial dans le but d'obtenir par son intervention une lettre de protection d'usage pour le vaisseau "Hélène," commandé par le Lieutenant de la Marine Tchistiakoff.

Ce bâtiment, dont la destination est de porter des provisions aux Colonies de la Compagnie, s'occupera en même tems de recherches scientifiques dans les parages vers lesquels il dirige sa course.

En conséquence, le Soussigné a l'honneur de prier son Excellence M. le Chevalier de Bagot, Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté Britannique, de vouloir bien lui transmettre, à l'usage du Lieutenant Tchistiakoff, un certificat lequel, en spécifiant le but de l'expédition, réclamerait en faveur du commandant et de l'équipage un accueil hospitalier, et s'ils se trouvaient dans le cas d'y avoir recours, une assistance efficace de la parte des autorités Britanniques.

Le Soussigné se plairait à reconnaitre dans un accueil favorable à la demande qu'il vient d'exprimer au nom de la Compagnie Russe-Américaine une nouvelle preuve des relations amicales qui existent entre les deux Cours, et il saisit, &c.

NESSELRODE.

ST. PÉTERSBOURG, *le 12 Mars, 1824.*

[Inclosure 6.—Translation.]

Memorandum.

The Russian-American Company has been furnished at different times by the foreign missions accredited to the Imperial court of Russia with certificates designed to secure assistance and protection to the ships which the said society sends to countries subject to the rule of friendly powers.

Knowing how to appreciate the advantages of such efficient aid, the company has just applied to the Imperial Government, with the object of obtaining, through its intervention, the usual letter of protection for the vessel *Hélène*, commanded by Marine Lieutenant Tchistiakoff.

This vessel, the destination of which is the carrying of provisions to the colonies of the company, will be occupied at the same time in scientific researches in the regions toward which she directs her course.

In consequence, the undersigned has the honor to beg His Excellency Sir Bagot, ambassador extraordinary and plenipotentiary of His Britannic Majesty, to have the kindness to transmit, for the use of Lieutenant Tchistiakoff, a certificate which, specifying the object of the expedition, should request, in favor of the commander and crew, a hospitable reception, and, if they should find themselves in a position to need it, effective assistance on the part of the British authorities.

The undersigned would be pleased to recognize, in the favorable response to the request which he has just made in behalf of the Russian-American Company, a new proof of the friendly relations existing between the two courts, and he takes, etc.

NESSELRODE.

ST. PETERSBURG, *March 12, 1824.*

Count Nesselrode to Nikolas Semenovitch Mordvinof.

[Translation.]

[Written from St. Petersburg April 11, 1824.]

My Gracious Sir, NICHOLAS SEMENOVITCH: I had the felicity of submitting to the notice of his Imperial Majesty the despatch of your high Excellency of the 20th February of the present year, in which you express your opinion respecting the rights of the Russian-American Company to the possession of some parts of the north-western coast of America, and respecting the conditions for terminating the dispute which has arisen respecting the extent of these possessions.

His Majesty having favourably received the same, deemed your reasons worthy of his Imperial attention, which, as is known to your high Excellency, carefully directed to everything that concerns the preservation of the legal interests of Russian subjects, and those especially which, by enterprise and labour, conduce to the extension of national industry, and consequently to the increase of general prosperity in the Empire. The Emperor recollects with pleasure everything that has been done by our bold mariners in the discovery of islands and coasts of America. Their efforts and successes, even their losses and dangers when settling in places hitherto unknown, and where they first extracted the riches of Nature for the benefit of all civilized mankind, have undoubtedly given us the right of obtaining advantages commensurate with them, and the Ministry of His Majesty will, neither during the present negotiations, nor yet at any other time, lose sight of them.

But while endeavouring to protect interests laboriously established, and even secure new advantages by all allowable means, it must not be forgotten that there may exist other most important necessities and interests of State which impose very grave duties on the Government. To you, Sir, as a man acquainted with every branch of the science of government, I consider it superfluous to explain that the greater or smaller utility of desirable acquisitions cannot serve as a guide in political negotiations. What the Ministry of His Imperial Majesty will tenaciously follow is the principle of *right*, and there where it cannot with accuracy be recognized or defended without inordinate sacrifices in its entirety, it is necessary to take into consideration not only the degree of mutual demands, but also the degree of possibility of attaining the objects of the same without any dangerous strain of strength.

Without this it is impossible to expect success in negotiations, and these rules have served as guides for the Plenipotentiaries appointed by His Imperial Majesty for negotiating respecting the affairs of the Russian-American Company. By rights of first discovery, and by that which is still more real, the first establishment of habitations and human activity, our Cabinet demands possession both of the islands and the western coast of America from the furthest north to the 55th degree of latitude; but Great Britain, on her part, represents the rights of the Hudson's Bay Company, whose trading posts or refuges, penetrating further and further into the interior of the lands, have nearly reached the north-western coast, on about the same parallel. The bases of these mutual pretensions are similar in character; at the same time it must be foreseen that out of the misunderstandings now arising disagreeable consequences may in time ensue, and prudence demands that the interests of both parties should be quickly reconciled.

For this only one expedient presents itself: to establish at some distance from the coast a frontier-line which shall not be infringed by our establishments and trappers, as also by the hunters of the Hudson's Bay Company. The Plenipotentiaries on both sides equally recognized the necessity of this measure; but the width of the coast-line necessary for the safe existence and consolidation of our Colonies, the direction of the frontier, and even its starting point on the Continent of America, still form subjects of negotiation, and the British Ambassador has declared that for continuing them he must seek new instructions from his Court. I shall not repeat that in these negotiations with England we took, and will continue to take, into equal consideration on the one side the requirements and interests of the establishments of the Russian-American Company, and, on the other, the degree of its rights of possession in the interior of the Continent of America, and the measure of the methods for firmly securing to the Company the possession of these territories.

As I have said above, for the peaceful existence of our Colonies more than all is it necessary to determine with accuracy the frontier, the extent of the country between the coast, and this frontier must be sufficient and be in correspondence with the condition to what these establishments will, in all probability, in time attain, and by their means of own defence. Here, gracious Sir, you will allow me to observe that to extend our pretensions to the interior of the Continent of America to the middle of the Rocky Mountains, we have neither the right nor the possibility; such pretensions may merely be the cause not only of disputes, but also of other most disagreeable events; and, as it would appear to me, there is no visible advantage in this fictitious extension of our confines.

Independent of the circumstance that the land in those places is almost sterile, affords no corn-fields, which, in the opinion of your high Excellency, are necessary for a Colony, is hardly able to produce good food-products, and that the principal pursuit of our settlers consists in the capture of marine and not land animals, it is necessary to bear in mind that in accordance with contemplated plans these Settlements, after the line of frontier has been fixed, will acquire recognized and undisputed possession of a considerably extensive zone of country, and, moreover, that when there are no disputes respecting boundaries the neighbourhood of civilized people, far from being harmful, is

advantageous to a Colony, as, in case of necessity, new means of obtaining food supplies are established.

How can it be supposed that, owing solely to such propinquity, we shall be obliged, abandoning the islands and coast occupied by us, to retire to the 60th degree? Such were the Emperor's own comments on the perusal of your high Excellency's despatch; one place in particular attracted the attention of His Majesty: it was that in which you, gracious Sir, asserted that, in consequence of the demands of England, Russia will be obliged to surrender to the former many natives of America who have been converted by us to Christianity. To lose subjects who have voluntarily subjected themselves to his sceptre, and are sons of the Russian Church, would, of course, always be regretted by our noble-minded Monarch; but, according to all the information I have gathered, it appears that neither along the coast, below 55 degrees, nor yet in the interior of the country at a great distance from the sea, are there any Settlements of the Company, nor any natives professing the Russo-Greek faith; at the same time our apprehended retirement to the north is, I venture to opine, not very probable.

Having thus denoted (as far as the secrecy necessary in diplomatic negotiations permitted) the present position of our negotiations with England, I hasten to inform your high Excellency and the whole Board of Management of the Company that the other negotiation concerning its affairs with the North American Republic has been brought to a conclusion, and with the success desired. The Convention concluded on the 5th April, 1824, and herein inclosed in copy for your information, contains the ratified conditions mutually consented to, and these are, in my opinion, reciprocally and completely satisfactory. In Article III the United States recognize the sovereign power of Russia over the western coast of America, from the Polar Seas to 54° 40′ of north latitude; while we, on our part, promise not to found Settlements below this parallel, as a matter of course only in those places and without extending this provision to the Colony of Ross, far distant to the south.

By Article II the States bind themselves not to allow their citizens and subjects to land at Russian Colonies without the distinct permission of the local authorities. Article I provides that Americans will not sell to the wild natives of the region belonging to us either strong liquors, so baneful to those ignorant people, or, which is of still greater importance, weapons of any kind. In this manner, after fifteen years of long-protracted and fruitless endeavours, having now happily attained the object of a difficult negotiation, we have for ever removed the chief cause of those disorders, quarrels, and bloodshed which have hitherto prevailed in that region, I would go further, and say that by this, perhaps, the first solid foundation has been laid to the peaceful existence of our Colonies.

In Article IV we allow the American States, though for no longer than ten years, to trade and fish in places within our dominions; to this proviso, so advantageous to them, our Cabinet was obliged to consent on two considerations of equal cogency. Firstly, because the Government of the North American Republic—not without foundation—demanded remuneration for the very considerable advantage afforded us under other stipulations of the Convention, especially by the conditions of Article V. Secondly, because the Americans have already for many years past carried on this trade and fishing, which

the Company to the present time cannot find means to oppose; and, of course, it is more reprehensible for the Company to allow them to benefit by these pursuits as they have hitherto done by, as it were, a natural and an indefeasible right, than that they should carry them on by permission granted them by us in a solemn Convention, as through this the Americans as solemnly recognize that after the expiration of the few prescribed years we shall have the legal right to prohibit both trade and fishing in this region.

His Majesty the Emperor deigned to approve all the stipulations of the Convention, in which, so far as possible, are reconciled the demands and interests of both Contracting Parties. Having carefully examined this instrument, we have almost come to the conclusion that by means of it our Colonies are the greater gainers. It is in a certain sense the commencement of their political existence and safety, inasmuch as now, for the first time, are determined their relations to foreign States. The importance of this is evident, and the members of the Russian-American Company will undoubtedly appreciate in the fullest measure this new great benefaction of their august Patron, who so indefatigably labours for their good by protecting the rights of his beloved Russian subjects not only with all the might of our Empire, but by, perhaps, for him more precious power, that of respect and confidence which the undeviating course of his policy serves to instil into all Governments and nations of the civilized world.

I have the honour to be, with perfect respect and similar devotion, your high Excellencys obedient servant,

The original is signed by—

Count Nesselrode.

April 11, 1824.

Count Nesselrode to Count Lieven.

Saint-Pétersbourg, *le 5 17 Avril, 1824.*

M. le Comte: Par mes dépêches du 17 de ce mois, j'ai fait connoître à votre Excellence les résultats peu satisfesans de nos négociations avec Sir Charles Bagot, relatives aux frontières qui doivent séparer les possessions Russes des possessions Angloises par la côte nord ouest de l'Amérique.

Aujourd'hui, M. le Comte, je vous développerai les motifs qui ne nous ont pas permis d'accepter les propositions de l'Ambassadeur d'Angleterre.

Pour ne pas entrer sans nécessité dans de trop longs détails, je me bornerai à discuter ici le point de la question sur lequel nous n'avons pû tomber d'accord.

L'oukase du 4 (16) septembre 1821 avoit porté jusqu'au 51° de latitude septentrionale les limites des domaines de la Russie sur la côte nord-ouest du continent américain. Cependant l'Empereur s'étant convaincu que presqu'à la même époque la Compagnie Angloise de la Baie d'Hudson avoit formé des établissemens par les 53° et 54° de latitude septentrionale, et que ces établissemens n'étoient même plus très éloignés de la côte, nous autorisa à donner, dès l'ouverture des négociations, une preuve de ses intentions conciliantes, en déclarant à Sir Charles Bagot que nous nous tiendrions aux limites assignées à nos

possessions américaines par la charte de l'Empereur Paul, qu'en conséquence la ligne du 55e degré de latitude septentrionale constitueroit au midi la frontière des États de Sa Majesté Impériale, que sur le continent et vers l'est, cette frontière pourroit courir le long des montagnes qui suivent les sinuosités de la côte jusqu'au Mont Élie, et que de ce point jusqu'à la Mer Glaciale nous fixerions les bornes des possessions respectives d'après la ligne du 140e degré de longitude ouest méridien de Greenwich.

Afin de ne pas couper l'Ile du Prince de Galles, qui selon cet arrangement devoit rester à la Russie, nous proposions de porter la frontière méridionale de nos domaines au 54° 40′ de latitude et de la faire aboutir sur le Continent au Portland Canal, dont l'embouchure dans l'Océan est à la hauteur de l'Ile du Prince de Galles et l'origine dans les terres entre le 55° et 56° de latitude.

Cette proposition ne nous assuroit qu'une étroite lisière sur la côte même, et elle laissoit aux Établissemens Anglois tout l'espace nécessaire pour se multiplier et s'étendre.

Vous verrez, M. le Comte, par les pièces ci-jointes, qu'en outre nous annoncions l'ouverture du port de Novo-Archangelsk et que nous promettions la libre navagation des fleuves qui se trouveroient sur notre territoire.

Après quelques discussions, les dernières contre-propositions de Sir Charles Bagot furent de comprendre toute l'Ile du Prince de Galles dans les possessions de la Russie, mais de stipuler que notre frontière suivroit de cette île la passe dite Duke of Clarence's Sound, et qu'elle n'aboutiroit à la côte qu'au-dessus du 56e de latitude septentrionale.

[Cette différence, si on la considère sur la Carte, paroit insignifiante au premier coup d'œil: elle est néanmoins si essentielle pour nous, qu'il nous est absolument impossible d'adhérer au plan de démarcation tracé par le Plénipotentiaire de Sa Majesté Britannique.]

Nous lui avons exposé, dans notre réponse à sa seconde notre verbale et dans notre réplique du 18 Mars, des considérations que nous ne pouvons perdre de vue et qui nous semblent décisives. L'Empereur vous charge, M. le Comte, d'inviter le Cabinet de St. James à les peser avec la plus mûre attention, et Sa Majesté se flatte qu'à la suite d'un examen impartial il s'empressera lui-même de reconnoître combien nos raisons sont graves et légitimes.

En premier lieu, aucun État n'a réclamé contre la Charte de l'Empereur Paul, et ce silence universel peut et doit être envisagé comme une reconnaissance de nos droits.

On nous objecte que nous n'avons pas formé d'Établissement stables sur la côte nord-ouest au dessous du 57e de latitude. Cela est vrai, mais dans la saison de la chasse et de la pêche la côte et les eaux avoisinantes sont exploitées par notre Compagnie Américaine bien au delà du 55e et du 54e parallèle. Ce genre d'occupation est le seul dont ces parages soient susceptibles, ou du moins le seul qui soit nécessaire lorsqu'un peu plus au nord on a fondé et organisé des Colonies. Nous sommes donc pleinement en droit d'insister sur la continuation d'un bénéfice que notre commerce s'est assuré dès l'année 1799, tandis que les Compagnies Angloises de la Baie d'Hudson et du Nord-Ouest ont à peine atteint depuis trois ans le voisinage de ces latitudes, tandis qu'elles n'occupent encore aucun point qui touche à l'océan, et qu'il est notoire que c'est pour l'avenir seulement qu'elles cherchent à s'y ménager les profits de la chasse et de la pêche. Ainsi nous voulons

conserver, et les Compagnies Angloises veulent *acquérir*. Cette seule circonstance suffit pour justifier nos propositions. Elles ne sont pas moins conformes au principe des convenances mutuelles, qui devoit servir de base à la négociation.

Si l'Ile du Prince de Galles nous demeure, il faut qu'elle puisse nous être de quelque utilité. Or, d'après le plan de l'Ambassadeur d'Angleterre, elle ne seroit pour nous qu'une charge et presque un inconvénient. Cette île, en effet, et les établissemens que nous y formerions se trouveroient entièrement isolés, privés de tout soutien, enveloppés par les domaines de la Grande-Bretagne et à la merci des Établissemens Anglois de la côte. Nous nous épuiserions en frais de garde et de surveillance dont aucune compensation n'allégeroit le fardeau. Un arrangement pareil reposeroit-il sur le principe des convenances mutuelles?

Nous invoquons toutefois ce principe avec d'autant plus de-justice que l'Angleterre elle-même a prouvé par un acte authentique qu'elle regardoit comme douteux ses droits sur le territoire dont elle demande l'abandon. La Convention passée le 20 Octobre, 1818, entre la Cour de Londres et les États-Unis, déclare propriété commune des deux Puissances pour dix ans toute l'étendue de pays comprise entre les Rocky Mountains, l'Océan Pacifique, et les possessions Russes. Les titres des États-Unis à la souveraineté de ce pays sont donc aussi valables que ceux de l'Angleterre. Cependant, le Cabinet de Washington a reconnu que nos limites devoient descendre jusqu'au 54° 40′. Il la reconnu par une transaction formelle que nous venons de parapher avec son Plénipotentiaire, et cette reconnoissance n'a point pour conséquence unique de fortifier nos argumens, elle nous procure d'autres résultats auxquels nous attachions, avec raison, le plus haut intérêt.

Tranquilles de ce côte, nous n'avons maintenant aucune crainte à nourrir, et le Cabinet de Londres conviendra sans doute qu'un tel état de choses augmente le prix des sacrifices que nous lui offrons. Déjà il existe une différence de près de quatre degrés entre la démarcation de l'oukase du 4 (16) septembre 1821 et celle que nous indiquons au jourd'hui. Les établissemens des compagnies angloises peuvent occuper cet intervalle. A l'est ils peuvent unir les deux côtes de l'Amérique; au midi rien n'empêche qu'ils n'acquièrent une extension considérable. Pour nous, nous bornons nos demandes à celle d'une simple lisière du continent, et afin de lever toute objection, nous garantissons la libre navigation des fleuves, nous annonçons l'ouverture du port de Novo-Archangelsk.

La Russie ne sauroit pousser plus loin ses concessions. Elle n'en fera pas d'autres, et elle est autorisée à en attendre de la part de l'Angleterre; mais encore une fois, elle ne réclame que des concessions négatives. On ne peut effectivement assez le répéter, d'après le témoignage des cartes les plus récentes, l'Angleterre ne possède aucun établissement, ni à la hauter du Portland Canal, ni au bord même de l'océan, et la Russie, quand elle insiste sur la conservation d'un médiocre espace de terre ferme, n'insiste au fond que sur le moyen de faire valoir, nous dirons plus, de ne pas perdre les îles environnantes. C'est la position dont nous parlions tout à l'heure; nous ne recherchons aucun avantage, nous voulons éviter de grâvés inconvéniens.

En résumé, M. le Comte, si l'on consulte le droit dans cette négociation, la Russie a celui qu'assurent, d'une part, un consentement tacite, mais incontestable, de l'autre, une exploitation paisible depuis vingt-

cinq ans et qui peut être considérée comme équivalente à una occupation continue.

Si l'on invoque le principe des convenances mutuelles, la Russie laisse au développement progressif des établissemens anglois una vaste étendue de côte et de territoire; elle leur assure de libres débouchés; elle pourvoit aux intérêts de leur commerce, et pour compenser tant d'offres dictées par le plus sincère esprit de conciliation, elle se réserve uniquement un point d'appui sans lequel il lui seroit impossible de garder une moitié de ses domaines.

De telles vues n'ont besoin que d'être présentées dans leur vrai jour pour qu'un gouvernement comme celui de la Grande-Bretagne sache les apprécier. Douter de son adhésion dans cette circonstance, ce seroit douter de sa justice; et il vous sera facile, l'Empereur se plaît à le croire, d'obtenir le consentement définitif de l'Angleterre à une transaction qui rempliroit nos vœux et nos espérances, en prévenant toute discussion ultérieure.

Recevez, etc., NESSELRODE.

[Translation.]

Count Nesselrode to Count Lieven.

ST. PETERSBURG, *April 5 17, 1824.*

MY LORD: By my dispatches of the 17th of this month [a] I have made known to your excellency the unsatisfactory results of our negotiations with Sir Charles Bagot in regard to the boundary lines which are to separate the Russian possessions from the English possessions along the northwest coast of America.

To-day, my lord, I will explain to you the motives which have prevented us from accepting the proposals of the English ambassador.

Not to enter further than is necessary into too long details, I will limit myself to discussing here that point of the question on which we were not able to agree.

The ukase of 4 (16) of September, 1821, carried the domains of Russia on the northwest coast of the American continent down to the fifty-first degree of north latitude. Nevertheless, the Emperor, being convinced that at almost the same epoch the English Hudson's Bay Company had formed establishments about 53° and 54° north latitude, and that these establishments were not very far removed from the coast, has authorized us to give at the outset of the negotiations a proof of his conciliatory intentions in declaring to Sir Charles Bagot that we would confine ourselves within the limits assigned to our American possessions by the charter of the Emperor Paul: that in consequence the line of the fifty-fifth degree of north latitude would constitute on the south the frontier of the States of His Imperial Majesty; that upon the continent and toward the east, this frontier could run along the mountains which follow the sinuosities of the coast as far as Mount Elias, and that from this point we would fix the limits of the respective possessions according to the one hundred and fortieth degree of longitude west from the meridian of Greenwich.

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[a] The Russian archives show that this dispatch was composed 17 (29) March, 1824 (same date as Sir. C. Bagot's No. 31), and "this month" means March.

In order not to cut Prince of Wales Island, which, according to this arrangement, would remain to Russia, we proposed to carry the southern frontier of our domains to latitude 54° 40′ and to make it abut upon the continent at the Portland Canal, of which the opening into the ocean is at the same latitude as Prince of Wales Island, and which has its origin inland between 55° and 56° of latitude.

This proposal will assure to us merely a narrow lisière (strip) upon the coast itself, and will leave to the English establishments all the needful space for increase and extension.

You will see, my lord, by the annexed documents, that we further announced the opening of the port of Novo-Archangelsk, and that we promised free navigation of the rivers which might be within our territory.

After some discussion the last counter propositions of Sir Charles Bagot were to include all of Prince of Wales Island within the Russian territory, but to stipulate that our boundary line, on leaving this island, should follow the pass called Duke of Clarence Sound and should not strike the coast until above 56° north latitude.

This difference, if regarded on the map, would appear insignificant at the first glance. It is nevertheless so essential to us that it is absolutely impossible for us to accept the plan of demarcation traced by the plenipotentiary of His Britannic Majesty.

We explained to him in our response to his second verbal note and in our answer of March 18 (19) reasons that we could not overlook and which seemed to us conclusive. The Emperor charges you, my lord, to request the Cabinet of St. James to weigh them with the most careful attention, and His Majesty is pleased to believe that upon impartial examination it will hasten to recognize the weight and justice of our reasons.

In the first place, no nation has protested against the charter of the Emperor Paul, and this universal silence may and should be regarded as a recognition of our rights.

The objection is raised that we have not made establishments on the northwest coast below the 57° of latitude. This is true, but during the season of hunting and fishing the coast and the neighboring waters are exploited by our American company far beyond the 55° and 54° parallels. This is the only manner of occupation of which these localities admit, or, at least, the only one that is necessary, with colonies founded and organized a little farther north.

We have, then, full right to insist on the continuance of a privilege which our commerce secured as early as 1799, while the English Hudson Bay and Northwest Companies have hardly been three years in the vicinity of these latitudes, and they do not yet occupy any point which touches the ocean, and it is well known that it is only with a view to the future that they are trying to secure for themselves the profits of the hunting and fishing. Thus, we wish to *keep*, and the English companies wish to *obtain*. This circumstance alone is sufficient to justify our proposals. The latter are no less consistent with the principle of mutual expediency, which should serve as a basis for the negotiations.

If Prince of Wales Island remains to us, it is necessary that it can be of some utility to us. Now, according to the plan of the British ambassador, it would be for us only a burden, and perhaps an inconvenient one. That island, in fact, and the establishments which we

might set up thereon, would find themselves entirely isolated, deprived of all support, surrounded by the domains of Great Britain, and at the mercy of the English establishments of the coast. We would exhaust ourselves in the cost of guarding and watching our part, without any compensation to alleviate the burden. Would such an arrangement be founded on the principle of mutual expediency?

We have all the more right to appeal to this principle, since England herself has proved by an authentic act that she regarded her rights to the territory, the surrender of which she demands, as doubtful. The convention of October 20, 1818, between the court of London and the United States, declares that all the extent of country between the Rocky Mountains, the Pacific Ocean, and the Russian possessions shall be the common property of the two powers for ten years. The titles of the United States to the possession of this territory are, therefore, as valid as those of England. Nevertheless, the Cabinet of Washington has admitted that our boundary should come down as far as 54° 40′. This has been admitted in a formal agreement that we have just signed with its plenipotentiary, and the strengthening of our arguments is far from being the only result of this admission; it has other consequences to which we rightly attach the greatest importance.

Free from anxiety on this side, we have now nothing to fear, and the London cabinet will doubtless acknowledge that such a condition of affairs increases the value of the sacrifices that we are offering to make. There is already a difference of nearly four degrees between the demarcation of the ukase of the 4th (16th) of September, 1821, and the one that we now point out. The establishments of the English companies could occupy the intervening space. On the east, they could unite the two coasts of America; on the south, nothing prevents their wide extension. For ourselves, we limit our demands to a mere strip of the continent, and in order to remove all cause for objection we guarantee the free navigation of the rivers and announce the opening of the port of Novo-Archangelsk.

Russia can not stretch her concessions further. She will make no others, and she is authorized to expect some concessions on the part of England; but once again, she demands only negative concessions. It can not be reiterated with sufficient positiveness that, according to the most recent charts, England possesses no establishment, either up to the latitude of Portland Channel or on the shore of the ocean itself; and Russia, when she insists on conserving a moderate expanse of the mainland (terre ferme) only insists fundamentally upon the means of utilizing—we can better say of not losing—the environing islands. This is the position of which we just spoke; we seek no advantage, we wish to avoid serious difficulties.

To sum up, my lord, so far as the question of right in this affair is concerned, Russia has that derived, on one hand, from a tacit and undeniable consent; on the other, from a peaceful exploitation for the last twenty-five years, which may be considered as equivalent to a continuous occupation.

So far as the principle of mutual expediency is concerned, Russia leaves an enormous stretch of coast and land to the progressive development of the English establishments; she insures them free outlets; she provides for the interests of their commerce, and, in compensation for all these benefits, which the most sincere spirit of concilliation has impelled her to offer, she reserves for herself only one point of support,

without which it would be impossible for her to keep half of her domains.

It is only necessary that these views be presented in a proper light to insure their appreciation on the part of a government like that of Great Britain. To doubt its compliance in this matter would be to doubt its justice; and the Emperor is pleased to believe that it will be easy for you to obtain the definitive consent of England to a compromise which, by preventing all future discussion, would satisfy our desires and our hopes.

Receive, etc., NESSELRODE.

Mr. G. Canning to Sir C. Bagot.

No. 18.] FOREIGN OFFICE, *April 24, 1824.*

SIR: Your despatches to No. 23 inclusive received here on the 14th instant by the messenger Draffen (after an unusually expeditious journey), have been laid before the King.

The courier whom your Excellency mentioned as being dispatched to Count Lieven at the same time with Draffen has not yet arrived—at least so I learn from Count Lieven, who denies having yet received the instructions which he is promised.

I take advantage of the departure of Sir Alexander Malet, whom His Majesty has been pleased to allow to be attached to your Excellency's Embassy (Mr. Bloomfield, whose assistance I had so long ago promised, not being yet able to leave England), to acknowledge the receipt of your late despatches, but I must refer your Excellency for any detailed observations upon them to what I shall write to you by a messenger, whom I intend to dispatch so soon as I shall have conferred with Count Lieven on the contents of his promised instructions.

I will not, however, defer till that opportunity the informing your Excellency that your conduct in suspending the negotiation with respect to the north-west coast of America, when you found that the modifications, which you judiciously took upon yourself to make in your instructions, were not met by corresponding concessions on the part of the Russian Government, has received His Majesty's gracious approbation.

I have referred the whole question of this negotiation anew to the Governors of the Hudson's Bay Company, whose Report I expect shortly to receive.

I have some reason to think that that Report will recommend the policy of closing with the Russian proposals rather than leaving the points in dispute unsettled for an indefinite time. It will then remain to consider, after I shall have learnt the tenour of the instructions sent to Count Lieven, whether it may be most expedient for the King's service to carry on the ulterior discussions with the Russian Ambassador here, or to authorize your Excellency to resume and conclude the negotiation.

I am, &c. GEORGE CANNING.

Dispatch of Count Lieven to Count Nesselrode.

LONDON, *May 20/June 1, 1824.* (Received June 5 17.)

MONSIEUR LE COMTE: Au moment où j'allais expédier à votre excellence mes rapports de ce jour sub Nrs. 84–95, je fus mis en pos-

session de la dépêche qu'elle m'a fait l'honneur de m'adresser sous la date de 5 avril, et qui contient les dernières propositions de notre Cour, relativement à la ligne de démarcation qui doit séparer les possessions russes des possessions anglaises sur la côte nord-ouest de l'Amérique.

Comme la réception de cette pièce avait coincidé avec l'arrivée d'un courrier autrichien, porteur de l'opinion du Cabinet de Vienne sur le mémoire de notre Cour concernant la pacification de la Grèce, et que dans ses entretiens le Secrétaire d'Etat m'avait fait entrevoir que la rentrée de ces documens serait suivie de près de la remise des réponses du Gouvernement Britannique, j'ai cru, Monsieur le Comte, devoir profiter de cette double circonstance pour chercher à soumettre au Ministère Impérial par la même voie les déterminations définitives du Cabinet Anglais sur ces deux sujets. Cette considération m'engagea à remettre le départ du courrier que j'allais diriger sur St.-Pétersbourg, et Mr. Canning que j'en informai, me donna l'assurance qu'il me mettrait à même de justifier complettement la cause de ce retard.

Néanmoins, un surcroît de travaux parlementaires, l'arrivée de la réponse du Cabinet de Madrid sur la question des Colonies, et les nouvelles subséquentes de Lisbonne absorbèrent à tel point tous les loisirs du Secrétaire d'Etat, que ce n'est que depuis hier que j'ai obtenu à force d'instances la réponse que Votre Excellence trouvera ci-joint en original et en traduction.

Mr. Canning ayant réuni les deux sujets dans un même cadre, je suivrai l'ordre qu'il a observé, en abordant en premier lieu la question de la négociation ayant trait à la fixation des limites sur la côte Nord-Ouest de l'Amérique.

I. Votre Excellence observera par la dépêche de Mr. Canning, que le Gouvernement Anglais consent à admettre les termes dernièrement proposés par notre Cour, et que Sir Charles Bagot va recevoir l'autorisation de signer sur ces bases la convention qui réglera définitivement l'état de nos frontières en Amérique. Les conditions mises à la discrétion de l'Ambassadeur Britannique sur ce point, ne paraitront peut être pas au Ministère Impériale de nature à diminuer le prix de cette concession.

Elles consistent:

a. "Dans une désignation plus précise des limites dans lesquelles la portion de territoire réclamée par la Russie sur le continent doit être renfermée."

La proposition de notre Cour était de faire courir cette frontière le long des montagnes qui suivent les sinuosités de la côte jusqu'au Mont Elie. Le Gouvernement Anglais admet complettement cette ligne telle qu'elle se trouve désignée sur les cartes; mais comme il croit que celles-ci sont imparfaites, et que les montagnes devant servir de frontière pourraient en s'écartant de la côte, au delà de la ligne indiquée, enclaver une étendue de territoire considérable, il désire que celle que nous réclamons soit plus précisément désignée, afin de ne point céder en réalité au delà de ce que notre Cour demande, et de ce que l'Angleterre est disposée à accorder.

b. "Dans la fixation d'un degré de longitude plus occidental que la limite désignée par notre Cour au nord du Mont Elie."

Le Cabinet Impérial a proposé que cette limite soit formé par une ligne de prolongation tracée vers le nord, à partir due 139° de longitude (méridien de Greenwich). En suivant cette direction, la frontière russe

aboutirait, selon le Gouvernement Anglais, à l'embouchure supposée de la rivière de Mackenzie, qu'une expédition envoyée tout récemment par ce Gouvernement vient encore d'être chargée d'explorer plus en détail. La fixation de cette limite pourrait donc, à son avis, amener une collision entre les possessions des deux Gouvernemens, qu'il est dans l'intérêt et l'intention de tous les deux d'éviter. Pour atteindre ce but, le Cabinet de Londres propose que la ligne de démarcation, en partant du Mont Elie, au lieu de suivre la prolongation du 139° de longitude, prenne une direction plus occidentale suffisante pour l'écarter de l'embouchure de la riviére Mackenzie.

Mr. Canning m'a assuré qu'il a rencontré les plus grandes difficultés à faire consentir les compagnies de la baie de Hudson et du Nord-Ouest au plan de démarcation proposé par notre Cour, et qu'elles considèrent surtout la cession de l'île entière du Prince de Galles comme bien plus importante qu'elle ne semble à la Russie.

A l'observation que j'ai faite au Secrétaire d'Etat sur l'inutilité des réclamations insérées dans sa résponse, au sujet du libre usage des rivières enclavées dans les possessions russes ou des mers avoisinantes, et relativement aux droits énoncés dans l'oukase de l'année 1821, sur la navigation exclusive du nord de l'Ocean Pacifique, vû que le premier de ces objets avait été explicitement accordé par notre Cour, et que l'autre point se trouvait applani par la convention conclue avec les Etats-Unis, Mr. Canning me répondit, que ces deux demandes n'avaient pas été articulées par lui pour les faire valoir aux yeux de notre Gouvernement, mais uniquement pour pouvoir lui offrir des argumens contre ses adversaires parlementaires, dans le cas où cette pièce serait soumise à la Chambre, et le mettre à même de prouver que, si le Gouvernement Anglais faisait un abandon de droits à la Russie, il n'en stipulait pas moins en même temps une juste réciprocité de concessions. L'arrière-pensée de l'effet que ses actes publics pourront produire au Parlement, perce dans toutes les pièces qui émanent du Secrétaire d'Etat, et si je n'avais désiré en cette occasion éviter les inconvéniens que j'ai trouvés à plus d'une reprise à me reposer sur de seules explications verbales, je n'aurais point insisté, comme je l'ai fait, sur une déclaration écrite, où je m'attendais que la Secrétaire d'Etat chercherait à couvrir sa responsabilité sous toutes les réserves que la sujet admettait.

[Here follows the Greek question.]

[Translation.]

Dispatch of Count Lieven to Count Nesselrode.

LONDON, *May 20/June 1, 1824.* (Received June 5 17.)

COUNT: Just as I was about to send your excellency my reports of to-day, under Nos. 84–95, I received the dispatch which you did me the honor to address me under date of April 5 (17), and which contains the last propositions of our Government with regard to the line of demarcation which is to separate the Russian possessions from the English possessions on the northwest coast of America.

As the receipt of this document coincided with the arrival of an Austrian courier, the bearer of the opinion of the Cabinet of Vienna on the memorandum of our Court concerning the pacification of Greece, and

ing you that the English cabinet admits the principle of the last propositions of our court relating to the demarcation of our possessions on the northwest coast of America. It is true that this acquiesence is accompanied by the demand for some modifications, but which appear to be of little importance to us and which the latitude granted to Bagot may moderate if there is any necessity for it.

I must confess that Canning has exerted himself very faithfully to satisfy us completely, but he had to struggle against a violent opposition on the part of the companies interested.

Mr. G. Canning to Count Lieven.

[Extract.]

FOREIGN OFFICE, *May 29, 1824.*

After mature consideration of the two despatches from Count Nesselrode to your Excellency on the 5th ultimo, copies of which your Excellency had the goodness to put into my hands, I have the satisfaction to acquaint your Excellency that I shall be enabled shortly to send to His Majesty's Ambassador at St. Petersburgh such instructions on the subject matter of both as shall meet, in a great degree, the wishes of your Court.

1. As to the line of demarcation to be drawn between Russian and British occupation on the north-west coast of America: Sir Charles Bagot's discretion will be so far enlarged as to enable him to admit, with certain qualifications, the term last proposed by the Russian Government.

The qualifications will consist chiefly in a more definite description of the limit to which the strip of land required by Russia on the continent is to be restricted; in the selection of a somewhat more western degree of longitude as the boundary to the northward of Mount Elias; in precise and positive stipulations for the free use of all rivers which may be found to empty themselves into the sea within the Russian frontier, and of all seas, straits, and waters which the limits assigned to Russia may comprehend.

It can hardly be expected that we should not also put in our claim for the like privileges of trade as are, or may be, stipulated with Russia by any other nation; and we take for granted that the exclusive claims of navigation and jurisdiction over the North Pacific Ocean, which were put forward in the Ukase of September 1821 are to be altogether withdrawn.

Mr. G. Canning to Sir C. Bagot.

No. 22.] FOREIGN OFFICE, *May 29, 1824.*

SIR: I transmit to your Excellency a copy of a letter which I have addressed to Count Lieven upon the subject-matter of two despatches from Count Nesselrode to Count Lieven, which that Ambassador communicated to me, and copies of which I also inclose.

Your Excellency will learn from my letter to Count Lieven that you may expect definitive instructions very shortly, both for the conclusion

of the negotiation relating to the north-west coast of America, and to the proposed Conference on the pacification of Greece.

I hope to dispatch a messenger to your Excellency with these instructions in the course of the next week.

Meantime the inclosed paper will put your Excellency generally in possession of the sentiments of His Majesty's Government upon these several subjects. But your Excellency will not take any step upon them until you shall have received my promised instructions.

I am, &c.

GEORGE CANNING.

Mr. G. Canning to Sir C. Bagot.

No. 26.] FOREIGN OFFICE, *July 12, 1824.*

SIR: After full consideration of the motives which are alleged by the Russian Government for adhering to their last propositions respecting the line of demarcation to be drawn between British and Russian occupancy on the northwest coast of America; and of the comparative inconvenience of admitting some relaxation in the terms of your excellency's last instructions, or of having the question between the two Governments unsettled for an indefinite time, His Majesty's Government have resolved to authorize your excellency to consent to include the south points of Prince of Wales Island within the Russian frontiers, and to take as the line of demarcation, a line drawn from the southernmost point of Prince of Wales Island from south to north through Portland Channel, till it strikes the mainland in latitude 56; thence following the sinuosities of the coast, along the base of the mountains nearest the sea to Mount Elias, and thence along the one hundred and thirty-ninth degree of longitude to the Polar Sea.

I inclose the draft of a projet of convention founded upon these principles, which your excellency is authorized to sign previously to your quitting St. Petersburg.

The advantages conceded to Russia by the line of demarcation, traced out in this convention, are so obvious, as to render it quite impossible that any objection can reasonably be offered on the part of the Russian Government to any of the stipulations in our favor.

There are two points which are left to be settled by your excellency:

1. In fixing the course of the eastern boundary of the strip of land to be occupied by Russia on the coast, the seaward base of the mountains is assumed as that limit: but we have experience that other mountains on the other side of the American continent, which have been assumed in former treaties as lines of boundary, are incorrectly laid down in the maps; and this inaccuracy has given rise to very troublesome discussions. It is therefore necessary that some other security should be taken that the line of demarcation to be drawn parallel with the coast, as far as Mount St. Elias, is not carried too far inland.

This is done by a proviso that that line should in no case (i. e., not in that of the mountains, which appear by the map almost to border the coast, turning out to be far removed from it) be carried further to the east than a specified number of leagues from the sea. The utmost extent which His Majesty's Government would be disposed to concede would be a distance of 10 leagues; but it would be desirable if your excellency were enabled to obtain a still more narrow limitation.

2. Article 5 of the "Projet" is copied from Article IV of the convention between Russia and the United States of America. By the American Article the right of visiting respectively and resorting to each other's possessions is limited to ten years. This limitation is left in blank in the "Projet."

We should have no objection to agree to the Article without any limitation of time. We should prefer a longer period (say twenty years) to that stipulated by the Americans. Your excellency will obtain either of these extensions if you can, but you must not agree to a shorter term than ten years.

Your excellency will be careful to make it understood that this limitation of time can not in any case extend to the use by Great Britain of the harbor of New Archangel, still less of the rivers, creeks, etc., on the continent, the use of all which is in the nature of a compensation for the perpetual right of territory granted to Russia, and, therefore, must be alike perpetual. If your excellency shall, as I can not doubt, conclude and sign this convention before your departure, you will make it a point to bring with you the ratification of the Russian Government to be exchanged by Count Lieven against that of His Majesty.

I have, etc.,

GEORGE CANNING.

[Inclosure.]

Draft Convention.

Sa Majesté le Roi du Royaume-Uni de la Grand Bretagne et de l'Irlande, et Sa Majesté-l'Empereur de Toutes les Russies, désirant resserrer les liens d'amitié et de bonne intelligence qui les unissent, moyennant un accord qui régleroit, sur le principe d'une convenance réciproque, différens points relatifs au commerce, à la navigation, et aux pêcheries de leurs sujets sur l'Océan Pacifique, ainsi que les limites de leurs possessions et établissemens sur la côte nord-ouest de l'Amérique; leurs dites Majestés ont nommé des Plénipotentiares pour conclure une Convention à cet effet, savoir:

Sa Majesté le Roi du Royaume-Uni de la Grande-Bretagne et de l'Irlande. &c., &c., &c.;

Et Sa Majesté l'Empereur de Toutes les Russies, &c., &c., &c.;

Lesquels, après s'être réciproquement communiqués leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivans:

ARTICLE I.

Il est convenu entre les Hautes Parties Contractantes que leurs sujets respectifs navigueront librement dans toute l'étendue de l'Océan Pacifique, y comprise la Mer au dedans du Détroit dit de Béhring, et ne seront point troublés ni molestés en exerçant leur commerce et leurs pêche-

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of All the Russias, being desirous of drawing still closer the ties of friendship and good understanding which unite them, by means of an Agreement which shall settle, upon the basis of reciprocal convenience, the different points connected with the commerce, navigation, and fisheries of their subjects on the Pacific Ocean, as well as the limits of their possessions and establishments on the north-west coast of America; their said Majesties have named their Plenipotentiaries to conclude a Convention for this purpose, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland, &c., &c., &c.;

And His Majesty the Emperor of All the Russias, &c., &c., &c.;

Who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon and concluded the following Articles:

ARTICLE I.

It is agreed between the High Contracting Parties that their respective subjects shall enjoy the right of free navigation along the whole extent of the Pacific Ocean, comprehending the sea within Behring's Straits, and shall neither be troubled nor molested in carrying on

ries, dans toutes les parties du dit océan, tant au nord qu'au sud.

Bien entendu, que la dite liberté de pêcherie ne sera exercée par les sujets de l'une des deux Puissances qu'à la distance de 2 lieues maritimes des possessions respectives de l'autre.

ARTICLE II.

La ligne séparative entre les possessions des deux Hautes Parties Contractantes sur le continent et les Isles de l'Amérique du nord-ouest, sera tracée de la manière suivante:

En commençant des deux points de l'isle dite du Prince de Galles, qui en forment l'extrémité méridionale, lesquels points sont situés sous le parallèle de 54° 40′, et entre le 131e et le 133e degré de longitude ouest (méridien de Greenwich), la ligne de la frontière, entre les possessions Britanniques et Russes, remontera, au nord, par la passe dite le Portland Channel, jusqu'à ce qu'elle touche à la côte de la terre ferme située au 56e degré de latitude nord. De ce point elle suivra cette côte, parallèlement à ses sinuosités, et sous ou dans la base vers la mer des montagnes qui la bordent, jusqu'au 139e degré de longitude ouest du dit méridien. Et de là, la susdite ligne méridionale du 139e degré de longitude ouest, en sa prolongation jusqu'à la Mer Glaciale, formera la limite des possessiones Brittanniques et Russes, sur le dit Continent de l'Amérique du nord-ouest.

ARTICLE III.

Il est convenu néanmoins, par rapport aux stipulations de l'Article précédent:

1. Que la susdite lisière de côte sur le Continent de l'Amérique, formant la limite des possessions Russes, ne doit, en aucun cas, s'étendre en largeur depuis la mer vers l'intérieur, au delà de la distance de ——— lieues maritimes, à quelque distance que seront les susdites montagnes.

2. Que les sujets Britanniques navigueront et commenceront librement à perpétuité sur la dite lisière de côte, et sur celle des isles qui l'avoisinent.

3. Que la navigation et le commerce des fleuves du continent traversant cette lisière, seront libres aux sujets Britanniques, tant à ceux habitant ou fréquentant l'intérieur de ce continent, qu'à ceux qui aborderont ces parages du côté de l'Océan Pacifique.

their trade and fisheries, in all parts of the said ocean, either to the northward or southward thereof.

It being well understood that the said right of fishery shall not be exercised by the subjects of either of the two Powers, nearer than two marine leagues from the respective possessions of the other.

ARTICLE II.

The line which separates the possessions of the two High Contracting Parties upon the continent and the Islands of America to the north-west, shall be drawn in the manner following:

Commencing from the two points of the island called "Prince of Wales' Island," which form the southern extremity thereof, which points lie in the parallel of 54° 40′, and between the 131st and 133rd degree of west longitude (meridian of Greenwich), the line of frontier between the British and Russian possessions shall ascend northerly along the channel called Portland Channel, till it strikes the coast of the Continent lying in the 56th degree of north latitude. From this point it shall be carried along that coast, in a direction parallel to its windings, and at or within the seaward base of the mountains by which it is bounded, as far as the 139th degree of longitude west of the said meridian. Thence the said meridian line of 139th degree of west longitude, in its extension as far as the Frozen Ocean, shall form the boundary of the British and Russian possessions on the said Continent of America to the north-west.

ARTICLE III.

It is, nevertheless, understood, with regard to the stipulations of the preceding Article:

1. That the said line of coast on the Continent of America, which forms the boundary of the Russian possessions, shall not, in any case, extend more than ——— marine leagues in breadth from the sea towards the interior, at whatever distance the aforesaid mountains may be.

2. That British subjects shall forever freely navigate and travel along the said line of coast, and along the neighbouring islands.

3. That the navigation and commerce of those rivers of the continent which cross this line of coast shall be open to British subjects, as well to those inhabiting or visiting the interior of this continent, as to those coming from the Pacific Ocean, who shall touch at these latitudes.

ARTICLE IV.

Le port de Sitka ou Nove Archangelsk sera et restera à jamais ouvert au commerce des sujects de Sa Majesté Britannique.

ARTICLE V.

Par rapport aux autres parties des côtes du continent de l'Amérique du nord-ouest, et des isles qui l'avoisinent, appartenantes à l'une et à l'autre des deux Hautes Parties Contractantes, il est convenu que pendant l'espace de dix ans à compter du —— Avril, 1824, leurs vaisseaux respectifs, et ceux de leurs sujets, pourront réciproquement fréquenter, sans entrave, les golphes, havres, et criques des dites côtes, dans des endroits non déjà occupés, afin d'y faire la pêche et le commerce avec les naturels du pays.

Bien entendu:

1. Que partont où il se trouvera un établissement de l'une des Hautes Parties Contractantes, les sujets de l'autre ne pourront y aborder, sans la permission du Commandant ou autre préposé de cet endroit, à moins qu'ils n'y seront forcés par tempêtes ou quelque autre accident.

2. Que la dite liberté de commerce né comprendra point celui des liqueurs spiritueuses, ni des armes à feu, des armes blanches, de la poudre à canon, ou d'autres espèces de munitions de guerre. Tous lesquels articles les deux Puissances s'engagent réciproquement de ne point laisser vendre ni transférer, en manière quelconque, aux indigènes de ces pays.

ARTICLE VI.

Dorénavant il ne pourra être formé par les sujets Britanniques aucun établissement, ni sur les côtes ni sur la lisière du continent comprises dans les limites des possessions Russes désignées par l'Article II; et de méme, il n'en pourra pas être formé aucun par des sujets Russes hors des dites limites.

ARTICLE VII.

Les vaisseaux Britanniques et Russes navigant dans ces mers, qui seront forcés par des tempêtes, ou par quelque autre accident, à se réfugier dans les ports respectifs, pourront s'y radouber e s'y pourvoir de toutes choses nécessaires, et se remettre en mer librement, sans payer aucun droit hors ceux de port et des fanaux, qui n'excéderont pas ce que payent les navires indigènes. A moins que le patron d'un tel navire ne se trouveroit dans la nécessité de vendre quelque marchandise pour défrayer ses dépenses; auquel cas, il sera tenu de se conformer aux Ordonnances et Tarifs de l'endroit où il aura abordé.

ARTICLE IV.

The port of Sitka or Nove Archangelsk shall be, and shall for ever remain, open to the commerce of the subjects of His Britannic Majesty.

ARTICLE V.

With regard to the other parts of the northwest coast of America, and of the islands adjacent thereto, belonging to either of the two High Contracting Parties, it is agreed that, for the space of.—— years from the —— April, 1824, their respective vessels, and those of their subjects, shall reciprocally enjoy the liberty of visiting, without hindrance, the gulfs, havens, and creeks of the said coast, in places not already occupied, for the purposes of fishery and of commerce with the natives of the country.

It being understood:

1. That the subjects of either of the High Contracting Parties shall not land at any spot where there may be an establishment of the other, without the permission of the Governor or other authority of the place, unless they should be driven thither by stress of weather or other accidents.

2. That the said liberty of commerce shall not include the trade in spirituous liquors, in fire-arms, swords, bayonets, &c., gunpowder, or other warlike stores. The High Contracting Parties reciprocally engaging not to permit the above-mentioned articles to be sold or transferred, in any matter whatever, to the natives of the country.

ARTICLE VI.

No establishment shall, in future, be formed by British subjects, either upon the coast or upon the borders of the continent comprised within the limits of the Russian possessions designated in Article II; and, in like manner, no such establishments shall be formed by Russian subjects beyond the said limits.

ARTICLE VII.

Such British and Russian vessels navigating these seas, as may be compelled by stress of weather, or by any other accident, to take shelter in the respective ports, shall be at liberty to refit therein, to provide themselves with all necessary stores, and to put to sea again, without the payment of any duties except port and lighthouse dues not exceeding those paid by national vessels. In case, however, the master of such ship should be obliged to dispose of some of his merchandize in order to defray his expenses, he shall conform himself to the Regulations and Tariffs of the place where he may have landed.

ARTICLE VIII.

Dans tous les cas de plainte par rapport à l'infraction des Articles du présent accord, les officiers et employés de part et d'autre, sans se permettre au préalable aucune violence ni voye de fait, seront tenus de rendre un rapport exact de l'affaire et de ses circonstances, aux Cours respectives, lesquelles la termineront selon la justice et à l'amiable.

ARTICLE VIII.

In every case of complaint on account of an infraction of the Articles of the present Convention, the officers employed on either side, without previously engaging themselves in any violent or forcible measures, shall make an exact and circumstantial report of the matter to their respective Courts, who will arrange the same, according to justice, in a friendly manner.

ARTICLE IX.

La présente Convention sera ratifiée, et les ratifications en seront échangées á ——— dans l'espace de —— mois, ou plutôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signée, et y ont apposé le cashet de leurs armes.

Fait à ——— le —— l'an de Grace 1824.

ARTICLE IX.

The present Convention shall be ratified, and the ratifications shall be exchanged at ——— within the space of —— months, or sooner, if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at ——— the —— day of ———, in the year of Our Lord 1824.

Count Lieven to Count Nesselrode.

LONDRES, *le 13/25 Juillet, 1824.* (Received Aug. 7/19.)

MONSIEUR LE COMPTE: Par ma dépêche de 20 Mai/1 Juin, No. 96, j'avais l'honneur d'informer Votre Excellence de l'expédition prochaine à Sir Charles Bagot, de nouvelles instructions pour la conclusion définitive de la Convention qui doit régler l'état de nos frontières en Amérique. J'ai aujourd'hui la satisfaction de Vous annoncer, Monsieur le Comte, que Mr. Canning va profiter du départ de Mr. Ward, pour transmettre à l'Ambassadeur Britannique l'autorisation de signer cet acte. Le Secrétaire d'Etat a même été plus loin. Il a dressé d'avance un projet de Convention dont il m'a permis de prendre lecture.

Dans ce projet, dont le plan est en grande partie basé sur la Convention déjà conclue sur le même objet entre le Cabinet Impérial et celui de Washington, j'ai remarqué avec plaisir que le Gouvernement Anglais renonçait entièrement à la prétention qu'il avait émise en dernier lieu, relativement à la fixation d'un degré de longitude plus occidental que la limite désignée par notre Cour, à partir du Mont Elie, et qu'il admet aujourd'hui sans restriction, que cette limite sera formée par une ligne de prolongation tracée vers le nord, en suivant la direction due 139ème degré de longitude.

Quant à frontère des possessions respectives au sud du Mont Elie, c'est le long de la base des montagnes qui suivent les sinuosités du rivage, que Mr. Canning la fait courir. J'ai cru devoir lui représenter que lorsqu'on fait servir une chaîne de montagnes à la fixation d'une limite quelconque, c'est toujours *la cime* de ces montagnes qui forme la ligne de démarcation; et qu'en cette circonstance, le mot de *base*, par le sens indéfini qu'il présente, et le plus ou moins d'extension qu'on peut lui donner, ne me paraissait pas propre à mettre la délimitation dont il s'agit à l'abri de toute contestation.

Du reste, Monsieur le Comte, tout ce qui regarde les droits de navigation réciproques des deux puissances dans ces parages m'a semblé

complètement d'accord avec ce qui a déjà été réglé entre notre Cour et les Etats-Unis. Mr. Canning a seulement ajouté la condition de la libre entrée des vaisseaux anglais dans Mer Glaciale par le Détroit de Behring. J'ai objecté au Secrétaire d'Etat que cette clause, entièrement nouvelle, est, par sa nature, étrangère à l'objet spécial de la négociation, et que les termes généraux dans lesquels elle est çoncue feront peut-être hésiter le Gouvernement Impérial à l'admettre sans en modifier l'énoncé actuel, pour ne point exposer les côtes de ses possessions asiatiques aux inconvéniens qui pourraient naître de la visite des bâtimens étrangers. Mr. Canning m'a répondu que deux motifs l'avaient engagé à en faire mention: 1°, Afin que les expéditions dirigées vers le pôle puissent obtenir une issue libre de la Mer Glaciale à la Pacifique, si jamais le passage, objet de tant de recherches, venait à être enfin découvert, et 2°, pour que la Russie ne puisse, dans la suite des temps, se prévaloir de la possession des deux rives qui forment le Détroit de Behring, pour en défendre l'entrée, comme ont fait autrefois les Danois au Sund, et aujourd'hui les Turcs aux Dardanelles.

Telles sont, Monsieur le Comte, les explications qui ont eu lieu à ce sujet entre le Secrétaire d'Etat et moi; et Mr. Canning ayant pris en considération les objections qu'une lecture rapide du projet de convention m'a suggérées, il m'a promis de mettre Sir Ch. Bagot à même de satisfaire entièrement notre Cour, pour le cas où elle jugerait à propos de reproduire mes arguments.

J'ai l'honneur, etc.

[Translation.]

Count Lieven to Count Nesselrode.

LONDON, *July 13* (*25*), *1824*. (Received Aug. 7/19.)

COUNT: In my dispatch of May 20–June 1, No. 96, I had the honor to notify your excellency of the approaching sending to Sir Ch. Bagot of new instructions for the definitive conclusion of the convention which is to settle the status of our frontiers in America. I have now the satisfaction of informing you, Monsieur le Comte, that Mr. Canning is going to take advantage of the departure of Mr. Ward to transmit to the British embassador the authority to sign that act. The Secretary of State has even gone further. He has drawn up beforehand a draft of a convention, which he has permitted me to read.

In this draft, the plan of which is, in great measure, based upon the convention already concluded, upon the same subject, between the imperial cabinet and that of Washington, I noticed with pleasure that the English Government entirely renounced the demand which it had made recently with regard to fixing upon a degree of longitude farther to the west than the boundary designated by our court, beginning at Mount Elias, and that it now agrees, without reservation, that that boundary shall be formed by a line of prolongation drawn toward the north, following the direction of the 139th degree of longitude.

As regards the frontier of the respective possessions to the south of Mount Elias, Mr. Canning makes it run along the base of the mountains which follow the sinuosities of the coast. I thought it my duty to represent to him that when a chain of mountains is made to serve for the establishment of any boundary whatever, it is always the crest

of those mountains that forms the line of demarcation; and that, in this case, the word "base," from the vague meaning attached to it, and the greater or less extension which may be given to it, did not appear to me adapted to protecting the delimitation in question from all controversy.

As to the rest, Monsieur le Comte, all that relates to the mutual rights of navigation of the two powers in those waters appeared to me to be in perfect agreement with what has already been arranged between our court and the United States. Mr. Canning only added the condition that free entrance shall be allowed to English vessels into the Arctic Ocean through Bering Strait. I objected to the Secretary of State that this clause, which is an entirely new one, is, from its nature, foreign to the special subject of the negotiations, and that the general terms in which it is couched will perhaps cause the Imperial Government to hesitate to accept it without amending its present language, in order not to expose the coasts of its Asiatic possessions to the inconveniences which might arise from the visits of foreign vessels.

Mr. Canning replied that he had been induced to mention it for two reasons: First, in order that expeditions sent toward the Pole may obtain a free passage from the Arctic Ocean to the Pacific, if the passage which has been the object of so many explorations should ever be discovered; and second, in order that Russia may not, in the course of time, take advantage of their possession of both coasts forming Bering Strait to prohibit [foreign vessels] from entering it, as was formerly done by the Danes in the Sound, and as is now done by the Turks in the Dardanelles.

Such, Monsieur le Comte, are the explanations which took place on this subject between the Secretary of State and myself; and Mr. Canning, after considering the objections which a rapid reading of the draft of convention suggested to me, promised me that he would enable Sir Charles Bagot to satisfy our court completely, in case it should think proper to reproduce my arguments.

I have the honor, etc.

Mr. G. Canning to Sir C. Bagot.

No. 29.] FOREIGN OFFICE, *July 24, 1824.*

SIR: The "Projet" of a convention which is inclosed in my No. 26 having been communicated by me to Count Lieven, with a request that his excellency would note any points in it upon which he conceived any difficulty likely to arise, or any explanation to be necessary, I have received from his excellency the memorandum a copy of which is herewith inclosed.

Your excellency will observe that there are but two points which have struck Count Lieven as susceptible of any question. The first, the assumption of the base of the mountains instead of the summit as the line of boundary; the second, the extension of the right of the navigation of the Pacific to the sea beyond Behring's Straits.

As to the first, no great inconvenience can arise from your excellency (if pressed for that alteration) consenting to substitute the summit of the mountains instead of the seaward base, provided always that the stipulation as to the extreme distance from the coast to which the lisière

is in any case to run, be adopted (which distance I have to repeat to your excellency should be made as short as possible), and provided a stipulation be added that no forts shall be established or fortifications erected by either party on the summit or in the passes of the mountains.

As to the second point, it is perhaps, as Count Lieven remarks, new. But it is to be remarked, in return, that the circumstances under which this additional security is required will be new also.

By the territorial demarcation agreed to in this "Projet," Russia will become possessed, in acknowledged sovereignty of both sides, of Bering's Straits.

The power which could think of making the Pacific a mare clausum may not unnaturally be supposed capable of a disposition to apply the same character to a strait comprehended between two shores of which it becomes the undisputed owner; but the shutting up of Bering's Straits, or the power to shut them up hereafter, would be a thing not to be tolerated by England.

Nor could we submit to be excluded, either positively or constructively, from a sea in which the skill and science of our seamen have been and are still employed in enterprises interesting not to this country alone, but to the whole civilized world.

The protection given by the convention to the American coasts of each power may (if it is thought necessary) be extended in terms to the coasts of the Russian Asiatic territory; but in some way or other, if not in the form now prescribed, the free navigation of Bering Straits and of the seas beyond them must be secured to us.

These being the only questions suggested by Count Lieven, I trust I may anticipate with confidence the conclusion and signature of the convention nearly in conformity to the "projet" and with little trouble to your excellency.

The long delay of the ship makes it peculiarly satisfactory to me to have reduced your excellency's task in this matter within so small a compass.

I am, etc., GEORGE CANNING.

Memorandum from Count Lieven on the North-West Coast Convention.

Le Projet de Convention rédigé par le Cabinet Anglais fait courir la limite des possessions Russes et Anglaises sur la côte nord-ouest d'Amérique au sud du Mont Élie: *le long de la base des montagnes qui suivent les sinuosités de cette côte.* Il est à observer qu'en thèse générale, lorsqu'une chaîne de montagnes sert à fixer une limite quelconque, c'est toujours la *cime* de ces montagnes qui forme la ligne de démarcation. Dans le cas dont il s'agit ici le mot de *base* par le sens indéfini qu'il présente, et le plus ou moins d'extension qu'on peut lui donner, ne paraît guère propre à mettre la délimitation à l'abri de toutes contestations ultérieures, car il ne serait point impossible, vû le peu de certitude des notions géographiques que l'on possède encore sur ces parages, que les montagnes désignées pour limite s'étendissent par une pente insensible jusqu'aux bords même de la côte.

Quant à la clause du même "Projet," ayant pour but d'assurer aux vaisseaux Anglais l'entrée libre dans la Mer Glaciale par le Détroit de Behring, il semble en premier lieu que cete condition, entièrement

nouvelle, est par sa nature étrangère à l'objet spécial de la négociation; et les termes généraux dans lesquels elle est conçue feront peut-être hésiter le Gouvernement Impérial à l'admettre sans en modifier l'énoncé actuel pour ne point exposer les côtes de ses possessions Asiatiques dans la Mer Glaciale aux inconvéniens qui pourraient naître de la visite des bâtimens étrangers.

[Translation.]

The plan of the agreement drawn up by the English cabinet makes the boundary line of the Russian and English possessions on the north-west coast of America, south of Mount Elias, run *along the base of the mountains which follow the sinuosities of the coast.* It is to be observed that, as a general rule, when a chain of mountains serves to fix any boundary line, it is always the summit of the mountains which constitutes the line of demarcation. In the case now under consideration, the word *base*, because of its indefinite meaning and the greater or less expansion that can be given to it, seems hardly of a nature to fix the boundary line beyond all further question, for it is certainly not among the impossibilities, in view of the uncertain ideas yet prevalent in regard to the geography of these regions, that mountains chosen for boundary lines should extend, by an imperceptible declivity, to the very edge of the coast.

As to the clause of the same "plan" which has for object to insure free entry to English vessels within the Arctic Sea by way of Bering Strait, it would seem in the first place that this condition, entirely new as it is, is by its very nature foreign to the special purpose of the negotiation, and the general terms in which it is expressed may perhaps make the Imperial Government hesitate to admit it, unless its present form is modified so as not to expose the coasts of its Asiatic possessions in the Arctic Sea to the difficulties which might arise from the visits of foreign ships.

Mr. Addington to Mr. G. Canning.—(Received September 8.)

No. 39.] WASHINGTON, *August 2, 1824.*

SIR: A convention concluded between this Government and that of Russia for the settlement of the respective claims of the two nations to the intercourse with the north-western coast of America reached the Department of State a few days since.

The main points determined by this instrument are, as far as I can collect from the American Secretary of State, (1) the enjoyment of a free and unrestricted intercourse by each nation with all the settlements of the other on the north-west coast of America; and (2) a stipulation that no new Settlements shall be formed by Russia, south, or by the United States, north, of latitude 54° 40′.

The question of the *mare clausum*, the sovereignty over which was asserted by the Emperor of Russia in his celebrated Ukase of 1821, but virtually, if not expressly, renounced by a subsequent declaration of that Sovereign, has, Mr. Adams assures me, not been touched upon in the above-mentioned Treaty.

Mr. Adams seemed to consider any formal stipulation recording that renunciation as unnecessary and supererogatory.

I have, &c.

H. U. ADDINGTON.

Sir C. Bagot to Mr. G. Canning.

No. 41.] ST. PETERSBURG, *August 12, 1824.* (Received Sept. 9.)

SIR: You will certainly learn with considerable surprise that, so far from having it in my power, as I had confidently hoped that I should have, to bring with me on my return to England a treaty signed and ratified by the Russian Government, upon the subject of the northwest coasts of America, I am already enabled to acquaint you that, after only two meetings with the Russian plenipotentiaries, I have ascertained that it is totally impossible to conclude with them any arrangement upon the subject which is at all reconcilable with the "projet" transmitted to me in your dispatch No. 26 of the 12th of last month, even if I were to take upon myself to exercise, upon several points of it, a discretion which is not given to me by your instructions.

To satisfy His Majesty's Government upon this subject, it seems only necessary that I should transmit to you the inclosed copy of a "contre-projet" offered to me by the Imperial plenipotentiaries on the day after our first meeting, viz, on Saturday last, the 21st instant.

The differences between this "contre-projet" and the "projet" which I had given in are, in many respects, unimportant, consisting either in unnecessary changes in the expressions, or in the order of the articles, or in other minor points, none of which, as I have reason to think, would have been tenaciously adhered to, and of which some might have been safely admitted. But there are three points upon which the differences appear to be almost, if not altogether, irreconcilable.

These points are:

1. As to the opening *forever* to the commerce of British subjects of the port of Novo Archangelsk.

2. As to the liberty to be granted to British subjects to navigate and trade *forever* along the coast of the lisière which it is proposed to cede to Russia, from the Portland Channel to the sixtieth degree of north latitude, and the islands adjacent.

3. As to the liberty to be given reciprocally to each power to visit for a term of years the other parts of the northwest coasts of America.

As to the first of these points, the Russian plenipotentiaries declare that, however disposed they might and probably should be to renew this liberty to His Majesty's subjects at the expiration of ten years, they can under no circumstances consent to divest themselves forever of a discretionary power in this respect by granting such a privilege in perpetuity.

Upon this point I reminded the plenipotentiaries that the freedom of the port of Novo Archangelsk was originally offered to Great Britain by themselves, unsolicited and unsuggested by me, in the first "contre-projet" which they gave to me in our former conferences; that the same offer had been repeated by Count Nesselrode in his dispatch to Count Lieven of the 5th April last, and that upon neither occasion had it been accompanied by any restriction as to any period of time. It is admitted to me that no period of time was specified upon those occasions, but that it was never intended to declare that the freedom should be perpetual, and that they could never be induced to grant it upon such terms.

As to the second point: The Russian plenipotentiaries declare that they are ready to grant to His Majesty's subjects for ten years, but for

no longer period, the liberty to navigate and trade along the coast of the lisière proposed to be ceded to Russia, from the Portland Channel to the sixtieth degree of north latitude, and the islands adjacent, and that they are ready to grant *forever* the right of ingress and egress into and from whatever rivers may flow from the American continent and fall into the Pacific Ocean within the above-described lisière, but that they can, under no circumstances and by no supposed correspondent advantages, be induced to grant to any power the privilege to navigate and trade in perpetuity within a country the full sovereignty of which was to belong to Russia; that such perpetual concession was repugnant to all national feeling and was inconsistent with the very idea of sovereignty.

As regards the third point, the Russian plenipotentiaries declared that the coasts of North America extending from the sixtieth degree of North latitude to Bering Straits, the liberty to visit which, under certain conditions, is stipulated in the "projet" by Great Britain, in return for a similar liberty to be given, under the same conditions, to Russian subjects to visit the North American coasts belonging to His Majesty, are and have always been the absolute and undisputed territory of His Imperial Majesty, and that it is not the intention of His Imperial Majesty to grant to any power whatever for any period of time the liberty which is required.

These are the three principal points upon which I was yesterday distinctly given to understand that the Russian Government would consider it their duty to insist, and consequently that, unless my instructions should enable me to modify the "projet" so far as regarded them, the negotiations must be considered as at an end.

It is, I believe, scarcely necessary that, after having stated this, I should trouble you with any further observations upon the subject.

The other differences which exist between the "projet" and the "contre-projet," though numerous, are, as I have said before, of minor importance, and such as would, I think, have been easily adjusted. What they are will be best shown by the "contre-projet" inclosed.

I hope that His Majesty's Government will give me credit for not having too hastily supposed that the objections urged by the Russian plenipotentiaries were insurmountable. I am, I think, too well acquainted with, and have too long negotiated upon, this subject to have deceived myself in this respect, and I am fully persuaded, from what has passed between Count Nesselrode, M. Poletica, and myself since the arrival of your instructions, that the determination of the Russian Government is now taken rather to leave the question unsettled between the two Governments for any indefinite time than to recede from their pretensions so far as they regard the three points which I have particularly specified.

In closing yesterday the conference, which assured me that all further chance of negotiation was, for the present at least, terminated, I thought it my duty to remind the Russian plenipotentiaries that the maritime jurisdiction assumed by Russia in the Pacific, which he had hoped to see revoked in the simplest and least unpleasant manner by mixing it with a general adjustment of other points, remained, by the breaking off of our negotiations, still unretracted; and that my Government would probably be of opinion that upon that part of the question some arrangement must be entered into.

It may be proper to add that, in reference to the sixth article of the

"contre-projet." I gave the Russian plenipotentiaries distinctly to understand that neither His Majesty's Government nor those of the other maritime powers of the world would, as I thought, be likely to accept the free navigation of Bering Straits as a concession on the part of Russia.

I have, etc.,

CHARLES BAGOT.

[Inclosure.]

Counter-Draft of the Russian Plenipotentiaries.

Sa Majesté l'Empereur de Toutes les Russies et Sa Majesté le Roi du Royaume-Uni de la Grande Bretagne et de l'Irlande voulant resserrer les liens d'amitié et de bonne intelligence qui les unissent, moyennant un accord qui réglerait, d'après le principe des convenances réciproques, les limites de leurs possessions et Établissemens sur la côte nord-ouest de l'Amérique, ainsi que différens points relatifs au commerce, à la navigation, et aux pêcheries de leurs sujets sur l'Océan Pacifique, ont nommé des Plénipotentiares pour conclure une Convention à cet effet, savoir, &c., lasquels, apprés s'être communiqué, &c., ont arrêté et signé les Articles suivans:

ARTICLE I.

La ligne de démarcation entre les possessions des deux Hautes Parties Contractantes sur la côte nord-ouest de l'Amérique et les iles adjacentes, sera tracée ains qu'il suit:

A partir des deux points qui forment l'extrémité méridionale de l'île dite du Prince de Galles, laquelle appartiendra tout entière à la Russie, points situés sous la parallèle du 54° 40′ de latitude nord, et entre les 131° et 133° de longitude ouest (méridien de Greenwich) la ligne de la frontière entre les possessions Russes et les possessions Britanniques remontera au nord par la passe, dite le Portland Channel, jusqu'aui point où cette passe se termine dans l'interieur de la terre ferme au 56° de latitude nord. De ce point, elle suivra cette côte parallèlement à ses sinuosités jusqu'au 139° de longitude ouest (même méridien) et de là, la frontière entre les possessions respectives sur le Continent Américaln sera formée par la ligne du susdit degré de longitude dans sa prolongation jusqu'à la mer Glaciale.

ARTICLE II.

La lisière de la côte nord-ouest appartenante à la Russie depuis le Portland Channel jusqu'au point d'intersection du 139° de longitude ouest (méridien de Greenwich) n'aura point en largeur sur le continent plus de 10 lieues marines à partir du bord de la mer.

ARTICLE III.

Il est convenu—

1. Que dans les possessions des deux puissances, telles qu'elles sont désignées aux articles précédens et nommément jusqu'à la hauteur du 59° 30′ de latitude nord, mais point au delà, leurs vaisseaux respectifs et ceux de leurs sujets auront pendant dix ans à compter du 5 (17) avril 1824, la faculté réciproque de fréquenter librement les golphes, hâvres, criques, dans les parties des iles et des côtes, qui ne seraient point occupées par des établissemens soit russes, soit britanniques, et d'y faire la pêche et le commerce avec les naturels du pays.

2. Que partout où il y aura un établissement de l'une des hautes puissances contractantes, les sujets de l'autre ne pourront y aborder sans la permission du commandant ou préposé du lieu, sauf les cas d'accidens ou de tempête.

3. Que liberté de commerce ci-dessus mentionnée ne comprendra ni les liqueurs spiritueuses, ni les armes à feu et armes blanches, ni la poudre à canon et autres munitions de guerre: tous articles que les hautes puissances contractantes s'engagent réciproquement à ne pas laisser vendre par eurs sujets respectifs aux naturels de la côte et des îles nord-ouest de l'Amérique.

4. Que sur la lisière de la dite côte indiquée en l'Article II de la présente convention comme appartenante à la Russe les sujets de Sa Majesté Brittannique jouiront à perpétuité de la libre navigation des fleuves, soit qu'ils habitent l'intérieur du con-

tinent, soit qu'ils veulent y arriver de l'Océan Pacifique au moyen de ces mêmes fleuves.

5. Que le por de Sitka ou Novo-Archangelsk sera ouvert, pendant dix ans, au commerce étranger, et qu'à l'expiration de ce terme cette franchise sera renouvelée suivant les convenances de la Russie.

ARTICLE IV.

A l'avenir il ne pourra, être formé aucun établissement par les sujets de Sa Majesté Britannique dans les limites des possessions russes désignées aux Articles I et II et de même il n'en pourra être formé aucun par les sujets de Sa Majesté l'Empereur de toutes les Russies hors des dites limites.

ARTICLE V.

Les hautes puissance contractantes stipulent en outre que leurs sujets respectifs navigueront libremient, sur toute l'étendue de l'Océan Pacifique, tant au nord qu'au sud, sans entrave quelconque, et qu'ils jouiront du droit de pêche en haute mer, mais que ce droit ne pourra jamais être exercé qu'à la distance de 2 lieues marines des côtes ou possessions, soit russes, soit britanniques.

ARTICLE VI.

Sa Majesté l'Empereur de Toutes les Russies, voulant même donner une preuve particulière de ses égards pour les intérêts des sujets de Sa Majesté Britannique et rendre plus utile le succès des enterprises, qui auraient your résultat de découvrir un passage au nord du Continent Américain, consent à ce que la liberté de navigation mentionnée en l'Article précédent s'étende sous les mêmes conditions, au Détroit de Behring et à la mer située au nord de ce détroit.

ARTICLE VII.

Les vaisseaux Russes et Britanniques naviguant sur l'Océan Pacifique et la mer ci-dessus indiquée, qui seroient forcés par les tempêtes ou par quelque avarie, de se réfugier dans les ports respectifs des Hautes Parties Contractantes, pourront s'y radouber, s'y pourvoir de tous les objets qui leur seront nécessaires et se remettre en mer librement, sans payer d'autres droits que ceux de port et de fanaux, lesquels seront fixés pour eux du même montant que pour les navires nationaux.

En pareilles occasions les patrons des bâtimens, soit Russes, soit Britanniques, seront tenus de se conformer aux lois, Ordonnances, et Tarifs en vigueur dans le port, où ils auront abordé.

ARTICLE VIII.

Dans tous les cas de plainte sur l'infraction des Articles du présent accord, les officiers et fonctionnaires publics s'abstiendront de part et d'autre de toute violence ou voye de fait, et rendront un compte exact de l'affaire et de ses circonstances à leurs Cours respectives, lesquelles termineront le différend à l'amiable, et selon les principes d'une mutuelle justice.

ARTICLE IX.

La présente Convention sera ratifiée et les ratifications en seront échangées dans l'espace de ——— mois, ou plutôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signée, et y ont apposé le cachet de leurs armes.

Fait à St. Pétersbourg, le ———, 1824.

[Inclosure.—Translation.]

Counter draft of the Russian plenipotentiaries.

His Majesty the Emperor of All the Russias and His Majesty the King of the United Kingdom of Great Britain and of Ireland, desiring to draw still closer the ties of friendship and of good understanding which unite them, by means of an agreement which shall settle, upon the basis of reciprocal convenience, the boundaries of their possessions and establishments on the northwest coast of Ameriea, as well as different points connected with the commerce, navigation, and fisheries of their subjects

on the Pacific Ocean, have named their plenipotentiaries to conclude a convention for this purpose, that is to say, etc., who, after having communicated to each other, etc., have decided upon and signed the following articles:

ARTICLE I.

The line of demarcation between the possessions of the two high contracting parties on the northwest coast of America and the adjacent islands shall be drawn in the following manner:

Beginning at the two points which form the southern extremity of the island called "Prince of Wales's Island," which latter shall belong wholly to Russia, the points being situated in the parallel of 54° 40′ of north latitude and between the 131° and 133° of west longitude (meridian of Greenwich), the line of frontier between the Russian possessions and the English possessions shall ascend northerly along the channel called Portland Channel as far as the point where this channel terminates in the interior of the mainland (terre ferme) at the fifty-sixth degree of north latitude. From this point it shall be carried along the coast, in a direction parallel to its sinuosities, as far as the one hundred and thirty-ninth degree of west longitude (same meridian); and from there the boundary line between the respective possessions on the American continent shall be formed by the line of the said degree of longitude in its extension as far as the Arctic Ocean.

ARTICLE II.

The lisière (strip of territory) on the northwest coast belonging to Russia, from Portland Channel to the point of intersection of the 139° of west longitude (meridian of Greenwich), shall not be wider on the continent than 10 marine leagues from the shore of the sea.

ARTICLE III.

It is agreed—

1. That in the possessions of the two powers, as they are set forth in the preceding articles, and particularly as far as the 59° 30′ of north latitude but not beyond, their respective vessels and those of their subjects shall have during ten years, counting from the 5th (17th) of April, 1824, the reciprocal right of freely visiting the gulfs, havens, and creeks in portions of the islands and coasts which may not be occupied by establishments, either Russian or British, for the purposes of fishery and of commerce with the natives of the country.

2. That wherever there may be an establishment of one of the high contracting parties the subjects of the other shall not land without permission of the governor or the authority in charge of the place, except in cases of accident or of storm.

3. That the above named liberty of commerce shall not include the trade in spirituous liquors, in firearms, side arms, gunpowder, or other warlike stores; all which articles the high contracting powers reciprocally engage not to permit to be sold by their respective subjects to the natives of the northwest coast or islands of America.

4. That on the strip of the said coast indicated in Article II of the present convention as belonging to Russia the subjects of His Britannic Majesty shall forever enjoy the free navigation of the rivers, whether they inhabit the interior of the continent or whether they wish to reach the same from the Pacific Ocean by means of these rivers.

5. That the Port of Sitka or Novo-Archangelsk shall be opened during ten years to foreign commerce, and that at the expiration of this period this privilege shall be renewed according to the convenience of Russia.

ARTICLE IV.

No establishment shall, in future, be formed by the subjects of His Britannic Majesty within the limits of the Russian possessions designated in Articles I and II, and, in the same way, none shall be formed by the subjects of His Majesty the Emperor of all the Russias outside of the said limits.

ARTICLE V.

The high contracting parties stipulate further that their respective subjects shall freely navigate on all the extent of the Pacific Ocean, as well in the north as in the south, without any hindrance whatever, and that they shall enjoy the right of fishing on the high seas, but that such right shall never be exercised except at the distance of 2 marine leagues from either the British or Russian coasts or possessions.

ARTICLE VI.

His Majesty the Emperor of all the Russias, wishing to give a special proof of his regard for the interests of the subjects of His Britannic Majesty, and to make more effective the success of the enterprises which may result in discovering a passage north of the American continent, consents to extend the freedom of navigation mentioned in the preceding article, under the same conditions, to Bering Strait and the sea lying north of that strait.

ARTICLE VII.

Russian and British ships navigating the Pacific Ocean and the above-mentioned sea, which may be forced through stress of weather or on account of damage to take refuge in the respective ports of the high contracting parties, shall be at liberty to refit therein, provide themselves with all necessary stores, and put to sea again without the payment of any duties except port and light-house dues, which shall be fixed for them at the same amounts as those paid by national vessels.

On such occasions the masters of the ships, whether Russian or British, shall be under the necessity of conforming to the laws, ordinances, and tariffs in force in the port where they may have landed.

ARTICLE VIII.

In all cases of complaint as to infractions of the articles of the present agreement, the public officers and functionaries on both sides shall refrain from all violence and forcible measures, and shall render an exact account of the affair and the circumstances thereof to their respective courts, which shall arrange the matter in a friendly way and according to the principles of mutual justice.

ARTICLE IX.

The present convention shall be ratified and the ratifications shall be exchanged within the period of ——— months, or sooner if possible.

In witness whereof the respective plenipotentiaries have signed the same and have affixed thereto the seal of their arms.

Done at St. Petersburg, the ———, 1824.

Count Nesselrode to Count Lieven.

PENZA, *August 31, 1824.* (Sent Sept. 13, 1825.)

Par sa dépêche No. 96, V. E. m'avait tranmis un office que lui avait adressé Mr. Canning après avoir discuté avec Elle les questions de limites et de juridiction maritime qu'il s'agissait de résoudre entre la Russie et l'Angleterre sur la côte Nord-Ouest de l'Amérique.

Dans cet office Mr. Canning appréciant les dernières propositions que nous avions faites à Sir Charles Bagot, vous annonçait, Mr. le Comte, qu'elles seraient acceptées, sauf quelques nuances et quelques clauses additionnelles qui ne changeraient en rien le fond de nôtre projet d'arrangement.

Ces clauses devaient consister dans la définition plus précise de la lisière que nous posséderions sur le continent Américain, dans la fixation d'un dégré de longitude plus occidental, à partir du Mont St. Elie, et dans la libre navigation des fleuves, mers, détroits et anses que comprendraient les domaines de S. M. I.

Comme nous avions deja declaré antérieurement que l'oukase du 4/16 Septembre, 1821, ne s'exécuterait pas en ce qui concernait l'étendue de cent milles en mer dont il interdisait la navigation aux vaisseaux étrangers, que d'une autre part nous nous étions empressés nous-mêmes, d'offrir aux sujets de S. M. B. dans nos négociations avec Sir

Charles Bagot, la liberté de descendre et de remonter tous les fleuves qui traverseraient notre territoire sur la côte N. O.: il nous parût que les modifications désirées par Mr. Canning, ne donneraient lieu à aucune difficulté et nous nous flattions qu'aussitôt que l'Ambassadeur d'Angleterre recevrait des instructions définitives, nous pourrions conclure avec lui une transaction également conforme aux droits et aux intérêts des deux Puissances.

Notre confiance nous semblait d'autant plus fondée que Sir Charles Bagot nous avait d'éclaré à plusieurs reprises, et que Mr. Canning répétait dans son office ci-dessus mentionné,[a] que l'Angleterre se bornerait à demander pour son commerce dans ces parages, les priviléges que la Russie accorderait ou qu'elle aurait accordés à d'autres nations. Ce point devait donc, suivant toute probabilité, être aussi facile à régler que les autres.

Cependant trois mois s'écoulèrent sans que les instructions du Plénipotentiaire de la Cour de Londres, lui fussent expédiées, et lorsqu'elles arrivèrent enfin par l'intermédiaire de Mr. Ward quelques jours avant notre départ, nous trouvâmes, à notre grand regret, qu'elles consistaient en un projet de Convention, qui sous plusieurs rapports très essentiels étaient bien loin de remplir notre attente.

Vous en avez pris, M. le Comte, une lecture rapide, mais pour que vous puissiez mieux le juger je vous en adresse une copie. J'ai consigné dans des notes marginales quelques remarques de détail et je me réserve de vous développer dans cette dépêche les observations les plus importantes, celles qui regardent des clauses qu'il nous est complétement impossible d'admettre.

Elles sont au nombre de trois. 1°. La liberté pour les sujets Anglais de faire la chasse, la pêche et le commerce avec les naturels de pays à perpétuité sur toute cette partie de la côte qui forme le sujet de la discussion et qui s'étend du 59° de latitude Nord au 54° 40′.

2°. La liberté pour les sujets Anglais de faire la chasse, la pêche et le commerce avec les naturels du pays pendant dix ans sur une autre partie de nos côtes et de nos îles depuis le 59° de latitude Nord jusqu'au détroit de Behring.

3°. L'ouverture à perpépuité du port de Sitka ou Novo-Archangelsk.

ad 1°. Le projet de Convention du Cabinet de Londres ne s'exprime pas avec une précision parfaite sur cet article et ce sont nos explications verbales abec Sir Charles Bagot qui nous ont appris que l'Angleterre réclamait le droit de chasse, de pêche et de commerce à perpétuité dans cette portion des domaines de la Russie, mais ces explications ont été si positives qu'elles ne nous ont laissé aucun doute sur les désirs du Cabinet Britannique.

Pour savoir si nous n'avions pas lieu d'en être étonnés et s'il nous est possible d'y condescendre, il suffit de relire d'un côté le passage de l'office de Mr. Canning, que j'ai cité plus haut, et de jeter les yeux de l'autre sur notre Convention avec les États-Unis.

Le principal Secrétaire d'État de S. M. B. Vous a déclaré officiellement et par écrit que l'Angleterre réclamerait de notre part des priviléges de commerce semblables à ceux que nous accorderions à d'autres Puissances. Or les États Unis sont la seule Puissance à laquelle nous en ayons jamais accordé et ceux que nous leur avons garantis par la Convention du 5/17 Avril de l'année courante ne doivent durer que dix ans.

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[a] See Note A.

Nous satisferions donc aux demandes que l'Angleterre elle même nous à ennoncées, en lui garantissant pour le même espace de tems, les mêmes privilèges. Comment pourrions-nous d'ailleurs consentir, sous ce rapport en faveur des sujets Britanniques, à des prérogatives que nous venons de refuser aux sujets Américains. Les sujets Britanniques, nous ne saurions trop le répéter, n'ont jamais poussé ni leurs établissemens ni leurs opérations de commerce jusqu'à la côte N. O. Le témoignage des cartes les plus récentes publiées en Angleterre révèle et démontre ce fait. Si les Compagnies de la Baie d'Hudson et du N. O. approchent de la côte ce n'est que depuis trios ans à peine, tandis que les sujets Américains ont constamment fréquenté ces parages et ce sont leurs entreprises qui ont fait naître les discussions que nous travaillons à terminer. Nous serait-il possible après cela, quand même nos intérêts nous le permettraient, de leur donner pour dix ans ce que nous donneriens à perpétuité aux sujets Britanniques.

Nous avons bien voulu supposer que malgre une prise de possession formelle, une longue occupation des points principaux, une exploitation paisible des sources de revenu et de richesse qu'offrent les contrées dont il s'agit les droits de souveraineté de la Russie jusqu'au 51° de latitude Nord pouvaient être la matiére d'un doute. Nous les avons bornés en conséquence au 54° 40′ et pour qu'il ne pût s'élever à cet égord aucune réclamation nouvelle, nous avons permis que sur toute l'étendue de côte où nos droits avaient été contestés, une des Puissances avec laquelle nous étions en litige, partageât pendant dix ans les bénéfices de la chasse, de la pêche et due commerce avec les indigènes. Nous offrons les mêmes avantages à l'Angleterre, mais les accorder a perpétuité, ce serait n'obtenir la reconnaissance de nos titres de souveraineté que por en abdiquer l'exercice, ce serait consentir à ne posséder désormais que de nom ce que nous possédons de fait aujourd'hui.

Le Ministère Anglais sera frappé de ces considérations, et nous osons croire que dés lors il réduira les demandes renfermées dans son projet de Convention touchant les privilèges de commerce, aux termes de ses déclarations antérieures.

Ad. 2. Outre la faculté de faire la chasse, la pêche et le commerce à perpétuité sur la partie de la côte N. O. qui nous appartiendrait depuis le 54° 40′ de latitude Nord jusqu'au 59°, le Cabinet de St. James selon le sens que Sir Charles Bagot attachait à ses propositions, réclama la même faculté pour dix ans sur la côte et les îles qui s'étendent du 59° au détroit de Behring.

Ici nous citerons encore l'office que Mr. Canning vous a adressé, M. le Comte, en date du 29 Mai.[a] Il y est dit que l'Angleterre demanderait le libre usage de tous les fleuves qui traverseraient la lisière de côte appartenante à la Russie, et de toutes les mers, détroits, baies, etc., etc., qui se trouveraient dans ses domaines. * * * Quelques lignes plus bas l'office du principal Secrétaire d'Etat ajoute qu'il regarde comme entendu et stipulé que la Russie retire toutes les prétensions exclusives qu'elle avait mises en avant dans l'oukase de 1821, rélativement à la navigation et à la juridiction de l'Océan Pacifique du Nord. Quand on compare ces deux demandes qui se suivent de si près et qui s'expliquent et se complettent pour ainsi dire, l'une par l'autre, il est difficile d'y trouver autre chose que la libre navigation des eaux et des

[a] See Note B.

mers qui baigneraient les possessions de la Russie. Or cette liberté, nous nous sommes toujours montrés prêts à la garantir. Des ordres différens de la teneur de l'oukase du 4 16 Septembre 1821, ont été expédiés à nos croisières dès l'ouverture des pourparlers, et nous nous engagerions volontiers par des stipulations formelles à laisser désormais les vaisseaux étrangers naviguer sans entraves sur toute l'étendue de l'Océan Pacifique Septentrional, en circonscrivant l'exercice de nos droits de juridiction maritime à la distance de deux lieues marines de nos établissemens et de nos côtes jusques et y compris le détroit de Behring, comme le propose le projet de Convention envoyé par le Cabinet de St. James, mais quant à la chasse, à la pêche et au commerce avec les naturels du pays nous ne pouvons nous empêcher d'établir une distinction importante.

Les titres de souveraineté de la Russie sur la côte N. O. lui ont été disputés à partir du 59° de lat. N. En conséquence depuis ce degré jusqu'à la parallèle qui formerait nôtre limite meridionale, nous nous sommes empressés d'offrir des avantages particuliers aux Puissances avec lesquelles nous étions en discussion. Nous avons accordé pour dix ans aux Américains le droit de pêche de chasse et de commerce avec les naturels du pays et nous souscirons la même concession en faveur des sujets de S. M. B. mais il doit être bien entendu que cette concession ne comprendra que l'espace renfermé entre le 59° et la limite méridionale de notre territoire c. à. d. le 54° 40′, car au nord du 59° les titres de souveraineté de S. M. I. n'ont jamais été mis en doute, non seulement dans aucun écrit officiel, mais encore dans aucun des articles que les feuilles d'Angleterre et d'Amérique ont publiés sur cette question. Pour peu qu'on veuille peser une circonstance aussi décisive prétendra-t-on que nous placions sur la même ligne les domaines disputés et ceux qui ne le sont pas, que nous nous soumettions pour les uns et les autres aux mêmes sacrifices que nous excitions les justes alarmes de notre Compagnie Américaine et qu'en ouvrant la chasse la pêche et le commerce avec les naturels du pays pour dix ans, nous exposions à une ruine totale des établissemens dont le nombre augmente de jour en jour dans des contrées qui nous appartiennent à tous les titres, qu'assurent une première découverte, une occupation immédiate et réelle qui comte près d'un siécle, et une possession paisible contre laquelle aucune Puissance n'a jamais réclamé. Certes dans cette partie de ses domaines la Russie a bien le droit de ne prendre pour guide de ses réglemens de commerce que ses propres besoins et ses propres convenances. Elle a bien le droit d'y recueillir librement tous les profits de la chasse et de la pêche et sauf à respecter et à observer les principes généraux des lois qui prononcent sur les rapports réciproques des nations, elle est maitresse d'y adopter toutes les mesures qu'elle juge utiles ou nécessaires.

C'est ainsi qu'elle ne saurait consentir à y admettre la concurrence des commerçans chasseurs ou pêcheurs étrangers, mais qu'en interdisant le commerce, la chasse et la pêche elle n'interdira nullement la navigation et qu'elle bornera l'exercice de sa juridiction maritime à deux lieues marines de ses côtes et de ses iles.

ad 3^m^. La troisième clause à laquelle nous ne saurions consentir dans le projet de Convention Britannique, concerne l'ouverture à perpétuité du port de Sitka ou Novo-Archangelsk.

C'est nous mêmes qui dans nos négociations avec Sir Charles Bagot avons annoncé que le Port de Sitka serait ouvert aux vaisseaux et au

commerce étrangers. Nous persistons dans nos intentions à cet égard mais il nous est impossible de contracter un engagement indéfini, de nous lier les mains pour un avenir sans bornes. Nous pourrions garantir que le Port de Sitka ne serait pas fermé de dix ans, et au bout de dix ans il est probable que nous y laisserions subsister les réglemens que nos y aurions introduits. Aller plus loin serait de nôtre côté un acte d'imprévoyance. Des conjonctions innatendues pourraient nous forcer à révoquer ou à modifier ces privilèges. C'est une latitude que tout Gouvernement doit se réserver en pareille occasion. Nous ne voyons pour nous aucune obligation d'y renoncer et nous n'y renoncerions pas sans nous exposer à de graves inconvéniens. Nous ne saurions donc dans cette circonstance signer de stipulacion perpétuelle.

Tels sont Mr. le Comte, les trois points du projet de Convention Britannique, que l'Empereur n'a pas trouvés admissibles. Toutes les autres propositions de la Cour de Londres ont été acceptées et nous avons remis à Sir Charles Bagot le contre projet ci-joint. Ses instructions étaient trop précises pour qu'il put consentir à des modifications. La seule dont il nous ait parlé, se réduisait à stipular l'ouverture du Port du Sitka pour vingt ans, terme qui est encore trop long. Il ne nous est donc resté que la voie des explications directes et nous nous plaisons à espérer qu'elles ne seront pas infructueuses.

Notre contre projet reporte nos limites du 51 degré de Lat. N. au 54° 40′. Il laisse aux établissemens que les Compagnes Anglaises pourront former un jour sur la côte N. O. tout la territoire situé au midi du Portland Channel. Il supprime la désignation des montagnes pour limites de la lisière de terre ferme que la Russie posséderait sur le continent Américain, et borne la largeur de cette lisière à dix lieues marines d'après le desir de l'Angleterre. D'après son désir encore, il ouvre aux sujets Britanniques la navigation de tous les fleuves qui traverseraient cette lisière, enfin il leur assure des advantages égaux à ceux qu'ont obtenus les sujets des Etats-Unis, et il annulle de fait l'oukase du 4–16 Septembre, 1821, en déclarant d'une part que nous n'exercerons de juridiction maritime qu'à deux lieues de nos côtes et de nos iles sur toute l'étendue de nos possessions, et en stipulant d'une autre, qu'aucune entrave ne sera mise ni à la libre navigation de l'Océan Pacifique, ni même au libre passage du détroit de Behring.

Dans une negociation qui devait avoir pour base le principe des convenances réciproques nous croyons qu'il était difficile de respecter plus scrupuleusement toutes celles de l'Angleterre.

V. E. aura soin de faire apprécier à Mr. Canning nos vues et notre constante modération. Elle lui représentera avec quel empressment nous avons admis toutes les demandes de la Grande Brétagne qu'il nous était possible d'admettre, combien nous avons lieu de nous attendre maintenant à une juste réciprocité, combien notre projet est conforme aux déclarations renfernées dans l'office du principal Secrétaire d'Etat de S. M. B. en date du 29 Mai, et combien il serait utile en adoptant ce contre projet (car nous ne saurions pousser plus loin nos sacrifices), de terminer entre les deux Gouvernemens des discussions toujours fâcheuses et dont on étoufferait jusqu'au dernier germe.

V. E. est authorisée a donner lecture et copie de la présente dépêche a Mr. Canning, et dans vos entretiens avec ce Ministre vous pourrez, Mr. le Comte, ajouter l'observation que par notre Traité avec les Etats-Unis en date du $\frac{5}{17}$ Avril, nous n'avons jamais entendu leur accorder le droit de chasse, de pêche et de commerce avec les indigènes

pour dix ans, que dans celles de nos possessions que nous avait été contestées ou en d'autres termes dans l'espace compris entre le 54° 40′ et le 59° 30′ de Latitude Septentrionale.

NOTE A.—At this point is the following marginal note:

"It can hardly be expected that we should not also put in our claim for the *like privileges of trade as are or may be stipulated with Russia by any other nation.*" (Office de Mr. Canning au Comte de Lieven en date du 29 Mai 1824.)

NOTE B.—At this point is the following marginal note:

"In precise and positive stipulation for the free use of all rivers which may be found to empty themselves into the sea within the Russian frontier, and of all seas which the limits assigned to Russia may comprehend * * * and we take it for granted that the exclusive claims of navigation and jurisdiction over the North Pacific Ocean, which were put forward in the ukase of September, 1821, are to be altogether withdrawn." (Office de Mr. Canning au Comte de Lieven en date du 29 Mai, 1824.)

[Translation.]

Count Nesselrode to Count Lieven.

PENZA, *August 31, 1824.* (Sent Sept. 13 25.)

In your despatch No. 96, your excellency sent me a memorandum which Mr. Canning had addressed to you, after discussing with you the questions of boundary and maritime jurisdiction which were to be settled between Russia and England on the northwest coast of America.

In that memorandum, Mr. Canning, in discussing the last propositions which we had made to Sir Charles Bagot, informed you, M. le Comte, that they would be accepted, with the exception of some shades of difference and some additional clauses, which would not change in the least the substance of our draft of settlement.

These clauses were to consist of a more exact description of the strip which we were to possess on the American continent, the selection of a degree of longitude more to the west, beginning at Mount St. Elias, and the free navigation of the rivers, seas, straits, and bays which the dominions of H. I. M. might contain.

As we have already declared previously that the ukase of September 4 (16), 1821, would not be executed so far as related to the sea limit of 100 miles within which it prohibited the navigation of foreign vessels; as, on the other hand, we ourselves had hastened to offer to the subjects of His Britannic Majesty, in our negotiations with Sir Charles Bagot, liberty to descend and to ascend all the rivers which might cross our territory on the northwest coast, it seemed to us that the modifications desired by Mr. Canning would not involve any difficulty, and we flattered ourselves that so soon as the English ambassador should receive final instructions we could conclude with him an arrangement equally conducive to the rights and the interests of both powers.

Our confidence seemed the better founded in that Sir Charles Bagot had declared to us on several occasions, and Mr. Canning repeated in his memorandum mentioned above,[a] that England would confine herself to asking for her commerce in those waters the privileges which Russia might grant or which she might have granted to other nations. This point ought, therefore, according to all probability, to be as easy to settle as the others.

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[a] See Note A.

Nevertheless, three months elapsed before the instructions of the plenipotentiary of the Court of London were sent to him, and when, at last, they arrived, by the hands of Mr. Ward, a few days before our departure, we found, to our great regret, that they consisted of a draft of a convention which, in several very essential points, was very far from meeting our expectations.

You have read it rapidly, M. le Comte, but in order that you may form a better estimate of it I send you a copy. I have made, in some marginal notes, some remarks as to minor points, and I reserve to myself the duty of making, in this dispatch, the most important observations, those concerning clauses which it is utterly impossible for us to accept.

They are three in number:

1. Liberty to English subjects to hunt, to fish, and to trade with the natives of the country, perpetually, on the whole of that part of the coast which constitutes the subject of the discussion, and which extends from 59° of north latitude to 54° 40′.

2. Liberty to English subjects to hunt, to fish, and to trade with the natives of the country for ten years on another part of our coasts and islands, from 59° north latitude to Bering Strait.

3. The permanent opening of the port of Sitka or Novo-Archangelsk.

As to the first: The draft of convention of the cabinet of London does not express itself with perfect precision upon this article, and it was only through our oral conversations with Sir Charles Bagot that we learned that England demanded the right to hunt, to fish, and to trade, forever, in that part of the dominion of Russia; but those explanations were so positive that they left us in no doubt as to the wishes of the British cabinet.

In order to know whether we had no reason to be surprised at it, and whether it is possible for us to grant it, it suffices to read again, on the one hand, the passage from Mr. Canning's memorandum which I cited above, and, on the other hand, to glance at our convention with the United States.

The chief secretary of state of His Britannic Majesty has declared to you officially and in writing that England would ask of us commercial privileges similar to those which we might grant to other powers. Now, the United States is the only power to which we have ever granted any, and those which we have guaranteed to her by the convention of April 5 (17) of the present year are to last only ten years.

We would, therefore, satisfy the demands which England herself has presented to us by guaranteeing the same privileges to her for the same space of time. Besides, how could we consent to grant to British subjects privileges of this kind which we have just refused to American subjects. The British subjects, and we can not repeat this too often, have never pushed either their establishments or their commercial operations as far as the northwest coast. The evidence of the latest maps published in England reveals and proves this fact. If the Hudson Bay and the Northwest companies have approached the coast it is only within the last three years, whereas the American subjects have constantly frequented these waters, and it is their enterprises that have given rise to the discussions which we are laboring to terminate. Would it be possible for us, after this, even if our interests permitted it, to give them for ten years [only] what we would give forever to the British subjects?

We have been willing to suppose that, in spite of a formal taking possession, a long occupation of the principal points, and a peaceful exploitation of the sources of revenue and wealth presented by the countries in question, Russia's rights of sovereignty to the fifty-first degree of north latitude might be the subject of a doubt. We have, consequently, confined them to the 54° 40′, and, to prevent any new dispute from arising on this point, we have permitted one of the powers with which we were in litigation to share for ten years, on the whole extent of the coast where our rights had been disputed, the profits of hunting, fishing, and trading with the natives. We offer the same advantages to England; but to grant them forever would be to obtain the recognition of our rights of sovereignty only to abandon the exercise of them. It would be consenting to possess hereafter only in name what we now possess in fact.

The English ministry will be struck by these arguments and we venture to believe that it will then bring back to the terms of its previous declarations the demands contained in its draft of convention with regard to commercial privileges.

As to 2: Besides the right to hunt, to fish, and to trade forever on that part of the northwest coast which would belong to us from 54° 40′ of north latitude to 59°, the cabinet of St. James, according to the meaning which Sir Charles Bagot attached to its propositions, demanded the same right for ten years on the coast and islands extending from 59° to Bering Strait.

Here we will again cite the memorandum which Mr. Canning addressed to you, M. le Comte, under date of May 29.[a] It is there stated that England would demand the free use of all the rivers which might cross the strip of coast belonging to Russia, and of all the seas, straits, bays, etc., which might be within her dominions. * * * A few lines farther down the memorandum of the chief secretary of state adds that he considers it to be understood and agreed upon that Russia will withdraw all the exclusive claims which she had set up in the ukase of 1821 with respect to the navigation and jurisdiction of the North Pacific Ocean. When we compare these two demands, which follow each other so closely, and which, so to speak, explain and complete each other, with each other, it is difficult to find anything more in them than the free navigation of the waters and seas bathing the possessions of Russia. Now, we have always shown ourselves ready to guarantee this freedom [of navigation].

Orders differing from the tenor of the ukase of September 4 (16), 1821, were sent to our cruisers at the very opening of the negotiations, and we would willingly engage, by formal stipulations, to allow foreign vessels hereafter to navigate the whole extent of the North Pacific Ocean, without let or hindrance, confining the exercise of our rights of maritime jurisdiction to the distance of 2 marine leagues from our establishments and our coasts, up to and including Bering Strait, as the draft convention sent by the cabinet of St. James proposes; but as to hunting, fishing, and trading with the natives of the country, we can not avoid making an important distinction.

Russia's rights of sovereignty over the northwest coast, beginning at 59° of north latitude, have been disputed. Hence, between that degree and the parallel which would form our southern boundary, we hastened

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[a] See Note B.

to offer special advantages to the powers with which we were in dispute. We granted to the Americans for ten years the right to fish, to hunt, and to trade with the natives of the country, and we will make the same concession in favor of the subjects of His Britannic Majesty; but it must be well understood that this concession will only comprise the space inclosed between latitude 59° and the southern boundary of our territory, to wit, latitude 54° 40′, for to the north of the fifty-ninth degree His Imperial Majesty's rights of sovereignty have never been questioned, not only in no official document, but in none of the articles which the English and American newspapers have published on this subject.

If any weight is attached to such a decisive fact as this, will it be asked that we shall place the disputed and the undisputed territory on the same footing; that we shall submit to the same sacrifices for both; that we shall arouse the just alarm of our American company, and that by throwing open for ten years the hunting, the fishing, and the trade with the natives of the country, we shall expose to total ruin establishments which are increasing in number every day, in regions which belong to us by every title that can be conferred by a first discovery, an immediate and actual occupation of more than a century, and a peaceful possession against which no power has ever protested? Assuredly, in this part of her dominions, Russia has certainly the right to be guided in the enactment of her commercial regulations only by her own needs and her own convenience. She has certainly the right there to reap freely all the profits of the hunting and fishing, and, provided she respects and observes the general principles of the laws governing the mutual relations of nations, she is at perfect liberty to adopt there all such measures as she may deem useful or necessary.

For these reasons she can not consent to permit there the competition of foreign traders, hunters, or fishermen; but, while prohibiting trading, hunting, and fishing, she will by no means prohibit navigation, and she will confine the exercise of her maritime jurisdiction to 2 marine leagues from her coasts and her islands.

As to 3: The third clause, to which we can not consent in the British draft convention, relates to the opening forever of the port of Sitka or Novo-Archangelsk.

We ourselves, in our negotiations with Sir Charles Bagot, announced that the port of Sitka would be open to foreign vessels and commerce. We persist in our intentions in this particular, but it is impossible for us to contract an indefinite obligation, to bind our own hands for an unlimited future. We might guarantee that the port of Sitka should not be closed for ten years to come, and at the expiration of the ten years it is probable that we would allow the regulations which we had introduced there to continue. It would be an act of imprudence on our part to go any further. Unexpected conjunctures might compel us to revoke or to modify such privileges. This is a freedom of action that every Government ought to reserve to itself under similar circumstances. We see no obligation on our part to renounce it, and we could not renounce it without exposing ourselves to serious embarrassments. We can not, therefore, sign any perpetual stipulation on this point.

Such, M. le Comte, are the three points in the British draft convention that the Emperor has found inadmissible. All the other propositions of the Court of London have been accepted, and we have delivered to Sir Charles Bagot the inclosed counterdraft. His instructions

were too precise to permit him to consent to any changes. The only one of which he spoke to us was confined to the stipulation of the opening of the port of Sitka for twenty years, which period was still too long. There remained to us, therefore, only the channel of direct negotiations, and we take pleasure in hoping that they will not be fruitless.

Our counterdraft carries our boundary from the fifty-first degree of north latitude to 54° 40′. It leaves to the establishments which the English companies may form hereafter on the northwest coast all the territory situated to the south of Portland Channel. It abolishes the establishment of the mountains as the boundary of the strip of mainland which Russia would possess on the American Continent, and limits the width of this strip to 10 marine leagues, in accordance with the wishes of England.

Again, in accordance with her wishes, it opens to British subjects the navigation of all the rivers crossing this strip. Lastly, it secures to them advantages equal to those obtained by the subjects of the United States, and it virtually repeals the ukase of September 4 (16), 1821, by declaring, on the one hand, that we will exercise maritime jurisdiction only to the distance of 2 leagues from our coasts and from our islands, upon the whole extent of our possessions, and by stipulating, on the other hand, that no obstacles shall be placed in the way either of the free navigation of the Pacific Ocean or even of the free passage of Bering Strait.

In a negotiation which should have as its basis the accommodation of both parties, we think that it would be difficult to show greater respect to the wishes of England.

Your excellency will be careful to impress upon Mr. Canning our views and our constant moderation. You will represent to him with what alacrity we have granted all those demands of Great Britain that it was possible for us to grant, what good reason we have to expect a fair return from her now, how exactly our draft agrees with the declarations contained in the memorandum of the chief secretary of state of His Britannic Majesty, dated May 29, and how expedient it would be to put an end, by the adoption of this counterdraft (as we can not carry our sacrifices any further), to discussions between the two Governments, which are always disagreeable, and the very last germ of which would thereby be destroyed.

Your excellency is authorized to read this dispatch to Mr. Canning and to give him a copy of it, and in your conversations with that minister you may add, M. le Comte, the remark that, in our treaty of April 5 (17), with the United States, we only meant to grant her the right of fishing, hunting, and trading with the natives for ten years in those of our possessions that had been disputed, or, in other words, in the space comprised between latitude 54° 40′ and 59° 30′ north.

NOTE A.—At this point is the following marginal note.

"It can hardly be expected that we should not also put in our claim for the *like privileges of trade as are or may be stipulated with Russia by any other nation.*" (Memorandum of Mr. Canning to Count Lieven, dated May 29, 1824.)

NOTE B.—At this point is the following marginal note.

"In precise and positive stipulation for the free use of all rivers which may be found to empty themselves into the sea within the Russian frontier, and of all seas which the limits assigned to Russia may comprehend * * * and we take it for granted that the exclusive claims of navigation and jurisdiction over the North Pacific Ocean which were put forward in the ukase of September, 1821, are to be altogether withdrawn." (Mr. Canning's memorandum to Count Lieven, dated May 29, 1824.)

Explanations with regard to Contre-projet.

L'Angleterre persiste à exiger de la Russie la concessions suivantes

1° La libre navigation des baies anses &c. et *le droit de pêche et de chasse ainsi que le commerce direct avec les naturels du pays à perpétuité* sur toute cette partie de la côte N. O. qui forme le territoire contesté depuis le 54° 30′, jusqu'au 60° de latitude, sauf les restriction mentionnée dans notre Convention du 5/17 avril avec les Etats Unis, relativement aux armes à la poudre et aux liqueurs spiritueuses.

2° L'ouverture du port de *Novo Archangelsk à perpétuité.*

3° Le droit *pour le teme de dix ans* de naviguer dans les eaux qui baignent la même Côte *dupuis le 60° dégré de latitude N. Jusqu'au détroit de Behring* d'y faire la pêche et de *trafiquer avec les naturels du pays.*

La seule modification que Sir Charles Bagot semblât autorisé à admettre dans l'ensemble de ces prétentions se réduisait à limiter l'ouverture du port de Sitka au terme de 20 ans pourvû toutefois que ce terme fut plus long pour les anglais qu'il ne le serait pour les américains.

[Translation.]

Explanations with regard to Contre-projet.

England persists in demanding from Russia the following concessions:

1. The free navigation of the bays, gulfs, etc., and *the right to fish, to hunt, and to trade directly with the natives of the country forever*, on all that part of the northwest coast constituting the disputed territory, from latitude 54° 30′ to 60°, subject to the restrictions mentioned in our convention of April 5 (17) with the United States concerning arms, gunpowder, and spirituous liquors.

2. The opening of the port of *Novo-Archangelsk forever.*

3. The right, *for the period of ten years*, to navigate the waters bathing the said coast *from the sixtieth degree of north latitude to Bering Strait*, to fish there, and *to trade there with the natives of the country.*

The only modification that Sir Charles Bagot appeared to be authorized to admit in the whole of these demands was confined to limiting the opening of the port of Sitka to the term of twenty years, provided, however, that that term should be longer for the English than it was for the Americans.

Explanations with regard to Contre-projet.

(1) *Artler.*—Dans l'article correspondant les PP. de Russie ont suprimé les mots en exercent leur commerce parce qu'il leur a paru que cet article se rapportait principalement à la navigation en haute mer et qu'en haute mer il n'y a pas de commerce possible.

D'ailleurs tout ce qui concerne les relations commerciales se troûve reglé par d'autres articles.

(2) *Art. II.*—Cet article est le premier du contre projet Russe.

Comme dès l'ouverture des négociations l'exécution de l'oukase de 1821 avait été suspendu en ce qui regarde l'exercice de la juridiction maritime, la question territoriale était la plus essentielle que les deux Puissances eussent à résoudre.

C'est donc par définir les possessions respectives que nous commencions dan notre contre projet.

Les possessions une fois définies viennent naturellement les stipulations relatives aux droits qui s'y rattachent et aux privileges qui pourront y être exercés de part et d'autre.

A ces clauses succedent celles qui ont rapport à la navigation de l'océan pacifique et qui se rangent toutes sous le même chef.

L'ordre des matières gagne à ce système de rédation et il nous semble en général que l'économie de notre contre projet offrirait plus de clarté.

Nous avons du reste en changeant leurs places conservé tous les articles du projet Brittanique.

(3) Dans le premier paragraphe de cet article, comme dans l'art. II, nous avons supprimé toute mention des montagnes qui suivent les sinuosités de la côte. Elle devenait inutile du moment où l'un fixait en lieues marines la largeur de la lisière de terre ferme qui appartiendrait à la Russie.

(4, 5, et 6) Notre dépêche au Cte. de Lieven renferme toutes les explications nécessaires quant aux passages soulignés dans ces divers articles.

Tous les autres n'ont subi dans notre contre projet que des légers changemens de rédaction qui avaient pour but d'y rendre les stipulations encore plus précises et plus faciles à saisir dans leur vrai sens.

[Translation.]

Explanations with regard to Contre-projet.

(1) *Art. I.*—In the corresponding article the Russian plenipotentiaries have suppressed the words "in carrying on their commerce" ("en exerçant leur commerce"), because it appeared to them that this article related chiefly to navigation on the high seas, and that no commerce is possible on the high seas.

Besides, all that relates to commercial relations is settled in other articles.

(2) *Art. II.*—This is Article I of the Russian counter draft. As at the very opening of the negotiations the execution of the ukase of 1821 was suspended as to the exercise of the maritime jurisdiction, the territorial question was the most important that the two powers had to settle.

Hence, in our counter draft we began by defining the respective possessions.

The possessions having been once defined, the stipulations with regard to the rights attached to them, and the privileges which may be exercised in them by both parties, naturally come next.

These clauses are succeeded by those relating to the navigation of the Pacific Ocean, and which all fall under the same head.

The order of subjects gains by this method of arrangement, and it seems to us in general that the plan of our counter draft would present more clearness.

We have, however, while changing their places, retained all the articles of the British draft.

(3) In the first paragraph of this article, as in Article II, we have suppressed all mention of the mountains which follow the sinuosities of the coast. It became useless from the moment that one [of the articles] fixed the width of the strip of mainland which would belong to Russia in marine leagues.

(4, 5, and 6) Our dispatch to Count Lieven contains all the necessary explanations with regard to the passages underscored in these different articles.

All the others have undergone, in our counter draft, merely slight changes of language, which were intended to render the stipulations contained in them still more precise and more easy to understand in their true sense.

Mr. G. Canning to Count Lieven.

FOREIGN OFFICE, *September 12, 1824.*

M. LE COMTE: It is with great regret, and, I confess, with some surprise, that I have learnt from Sir Charles Bagot that your court have declined to conclude the treaty, the project of which was sent out by the Herald.

This refusal is the more unexpected, as the chief alterations made in the original "projet" were introduced here (as your excellency can bear witness) at the suggestion of the Russian plenipotentiaries themselves.

I have not yet had time to give sufficient consideration to the "contre-projet" now presented on the part of those plenipotentiaries to be enabled to say positively whether it can be accepted in all its parts. But I would fain hope that the differences between us may not be insurmountable. And I do most earnestly entreat your excellency to submit to your court, by your first messenger, the expediency of sending to your excellency instructions and full powers to conclude and sign the treaty here.

This will save three months. It will enable us to conclude before the meeting of Parliament. And I do assure your excellency that, after the expectations which have been so often held out to Parliament of a

speedy and satisfactory termination of the discussions respecting the ukase of 1821, I can not look forward without uneasiness to the disappointment of those expectations.

I know that the ukase is practically suspended; but we have no document to show that it is so; and we have, as your excellency knows, purposely abstained from requiring any, in the hope that the subject of the ukase would be merged in the larger arrangements respecting the northwest coast of America.

I write to Mr. Ward in the sense of this letter. And I most anxiously wish that no personal delicacy may prevent your excellency from repeating and enforcing my suggestion.

I have, etc.,

GEORGE CANNING.

Mr. G. Canning to Mr. Ward.

No. 3.] FOREIGN OFFICE, *September 13, 1824.*

SIR: Sir Charles Bagot's despatches of the 26th August were received here on the 9th instant, and have been laid before the King.

The only point on which I have to instruct you, in consequence of their arrival, is that of the refusal of the Court of St. Petersburgh to conclude and sign the treaty respecting the northwest coast of America.

Nothing could be less expected than this refusal, and the grounds of it are the more unsatisfactory, as part at least of the stipulations to which objection is taken was founded on suggestions of the Russian Plenipotentiaries themselves.

I do not, however, intend that you should enter into argument upon this subject with Count Nesselrode, or the minister to whom the *Portefeuille* may be intrusted in his absence. What you are to represent, and earnestly to urge with the Russian Government, is that they should send to Count Lieven instructions and full powers to conclude and sign the treaty here. By these means it will still be possible to bring it to a conclusion before the meeting of Parliament. And you will assure the Russian minister that this consideration weighs with us most particularly, because the hope and promise of some amicable and satisfactory arrangement touching the ukase of 1821 has been so often confidently held out to Parliament that we look forward with great anxiety to the discussions which might arise upon a fresh disappointment of those expectations.

I am, etc.,

GEORGE CANNING.

Count Lieven to Count Nesselrode.

LONDRES, *le 19 septembre/1 octobre 1824.*

MONSIEUR LE COMTE: La veille de son départ pour l'Irland, Mr. Canning m'a addressé la note ci-jointe, dans la quelle il expose les motifs qui font desirer au Gouvernement Britannique le transfert à Londres de la négociation relative aux possessions des deux Etats sur la côte Nord Ouest de l'Amérique.

En transmettant cette pièce en original a Votre Excellence, je ne saurais, Monsieur le Comte, qu'en référer l'objet à la considération du Ministère Impérial.

J'ai l'honneur, etc.

[Translation.]

Count Lieven to Count Nesselrode.

LONDON, *September 19 October 1, 1824.*

MONSIEUR LE COMTE: The day before his departure for Ireland, Mr. Canning addressed me the inclosed note, in which he states the reasons which cause the British Government to desire the transfer to London of the negotiations relating to the possessions of the two States on the northwest coast of America.

In transmitting this document in the original to your excellency, I can only, Monsieur le Comte, refer the subject to the consideration of the Imperial Ministry.

I have the honor, etc.

Mr. G. Canning to Mr. S. Canning.

No. 1.] FOREIGN OFFICE, *December 8, 1824.*

SIR: His Majesty having been graciously pleased to name you his plenipotentiary for concluding and signing with the Russian Government a convention for terminating the discussions which have arisen out of the promulgation of the Russian ukase of 1821, and for settling the respective territorial claims of Great Britain and Russia on the northwest coast of America, I have received His Majesty's commands to direct you to repair to St. Petersburg for that purpose, and to furnish you with the necessary instructions for terminating this long protracted negotiation.

The correspondence which has already passed upon this subject has been submitted to your perusal, and I inclose to you a copy—

1. Of the "projet" which Sir Charles Bagot was authorized to conclude and sign some months ago, and which we had every reason to expect would have been entirely satisfactory to the Russian Government.

2. Of a "contre-projet" drawn up by the Russian plenipotentiaries, and presented to Sir Charles Bagot at their last meeting before Sir Charles Bagot's departure from St. Petersburg.

3. Of a dispatch from Count Nesselrode, accompanying the transmission of the "contre-projet" to Count Lieven.

In that dispatch, and in certain marginal annotations upon the copy of the "projet," are assigned the reasons of the alterations proposed by the Russian plenipotentiaries.

In considering the expediency of admitting or rejecting the proposed alterations, it will be convenient to follow the articles of the treaty in the order in which they stand in the English "projet."

You will observe, in the first place, that it is proposed by the Russian plenipotentiaries entirely to change that order, and to transfer to the latter part of the instrument the article which has hitherto stood first in the "projet."

To that transposition we can not agree, for the very reason which Count Nesselrode alleges in favor of it, viz, that the "économie" or arrangement of the treaty ought to have reference to the history of the negotiation.

The whole negotiation grows out of the ukase of 1821.

So entirely and absolutely true is this proposition that the settlement of the limits of the respective possessions of Great Britain and Russia on the northwest coast of America was proposed by us only as a mode of facilitating the adjustment of the difference arising from the ukase by enabling the court of Russia, under cover of the more comprehensive arrangement, to withdraw, with less appearance of concession, the offensive pretensions of that edict.

It is comparatively indifferent to us whether we hasten or postpone all questions respecting the limits of territorial possession on the continent of America, but the pretensions of the Russian ukase of 1821 to exclusive dominion over the Pacific could not continue longer unrepealed without compelling us to take some measure of public and effectual remonstrance against it.

You will therefore take care, in the first instance, to repress any attempt to give this change to the character of the negotiation, and will declare without reserve that the point to which alone the solicitude of the British Government and the jealousy of the British nation attach any great importance is the doing away (in a manner as little disagreeable to Russia as possible) of the effect of the ukase of 1821.

That this ukase is not acted upon, and that instructions have been long ago sent by the Russian Government to their cruisers in the Pacific to suspend the execution of its provisions, is true; but a private disavowal of a published claim is no security against the revival of that claim. The suspension of the execution of a principle may be perfectly compatible with the continued maintenance of the principle itself, and when we have seen in the course of this negotiation that the Russian claim to the possession of the coast of America down to latitude 59 rests in fact on no other ground than the presumed acquiescence of the nations of Europe in the provisions of an ukase published by the Emperor Paul in the year 1800, against which it is affirmed that no public remonstrance was made, it becomes us to be exceedingly careful that we do not, by a similar neglect, on the present occasion allow a similar presumption to be raised as to an acquiescence in the ukase of 1821.

The right of the subjects of His Majesty to navigate freely in the Pacific can not be held as matter of indulgence from any power. Having once been publicly questioned, it must be publicly acknowledged.

We do not desire that any distinct reference should be made to the ukase of 1821; but we do feel it necessary that the statement of our right should be clear and positive, and that it should stand forth in the convention in the place which properly belongs to it, as a plain and substantive stipulation, and not be brought in as an incidental consequence of other arrangements to which we attach comparatively little importance.

This stipulation stands in the front of the convention concluded between Russia and the United States of America, and we see no reason why upon similar claims we should not obtain exactly the like satisfaction.

For reasons of the same nature we cannot consent that the liberty of navigation through Berings Straits should be stated in the treaty as a boon from Russia.

The tendency of such a statement would be to give countenance to those claims of exclusive jurisdiction against which we, on our own behalf and on that of the whole civilized world, protest.

No specification of this sort is found in the convention with the United States of America, and yet it can not be doubted that the Americans consider themselves as secured in the right of navigating Bering Straits and the sea beyond them.

It can not be expected that England should receive as a boon that which the United States hold as a right so unquestionable as not to be worth recording.

Perhaps the simplest course after all will be to substitute, for all that part of the "projet" and "counter-projet" which relates to maritime rights and to navigation, the first two articles of the convention already concluded by the Court of St. Petersburg with the United States of America in the order in which they stand in that convention.

Russia can not mean to give to the United States of America what she withholds from us; nor to withhold from us anything that she has consented to give to the United States.

The uniformity of stipulations in pari materia gives clearness and force to both arrangements, and will establish that footing of equality between the several contracting parties which it is most desirable should exist between three powers whose interests come so nearly in contact with each other in a part of the globe in which no other power is concerned.

This therefore is what I am to instruct you to propose at once to the Russian minister as cutting short an otherwise inconvenient discussion.

This expedient will dispose of Article I of the "projet" and of Articles V and VI of the "contre-projet."

The next articles relate to the territorial demarcation, and upon them I have only to make the following observations:

The Russian plenipotentiaries propose to withdraw entirely the limit of the lisiere on the coast, which they were themselves the first to propose, viz, the summit of the mountains which run parallel to the coast, and which appear, according to the map, to follow all its sinuosities, and to substitute generally that which we only suggested as a corrective of their first proposition.

We can not agree to this change. It is quite obvious that the boundary of mountains, where they exist, is the most natural and effectual boundary. The inconvenience against which we wished to guard was that which you know and can thoroughly explain to the Russian plenipotentiaries to have existed on the other side of the American Continent, when mountains laid down in a map as in a certain given position, and assumed in faith of the accuracy of that map as a boundary between the possessions of England and the United States turned out to be quite differently situated, a discovery which has given rise to the most perplexing discussions. Should the maps be no more accurate as to the western than as to the eastern mountains, we might be assigning to Russia immense tracts of inland territory, where we only intended to give, and they only intended to ask, a strip of seacoast.

To avoid the chance of this inconvenience we proposed to qualify the general proposition "that the mountains should be the boundary, with the condition if those mountains should not be found to extend beyond 10 leagues from the coast." The Russian plenipotentiaries now propose to take the distance invariably as the rule. But we can not consent to this change. The mountains, as I have said, are a more eligible boundary than any imaginary line of demarcation, and, this being

their own original proposition, the Russian Plenipotentiaries can not reasonably refuse to adhere to it.

Where the mountains are the boundary, we are content to take the summit instead of the "seaward base" as the line of demarcation.

I omitted in my last instructions to Sir Charles Bagot, though I had signified to Count Lieven, that I intended to require a small extension of the line of demarcation from the point where the lisière on the coast terminates in latitude 59 to the northward. The extension required is from 139° to 141° west longitude, the latter being the parallel which falls more directly on Mount Elias.

With regard to the port of Sitka, or New-Archangel, the offer came originally from Russia, but we are not disposed to object to the restriction which she now applies to it.

We are content that the port shall be open to us for ten years, provided only that if any other nation obtains a more extended term the like term shall be extended to us also.

We are content also to assign the period of ten years for the reciprocal liberty of access and commerce with each other's territories, which stipulation may be best stated precisely in the terms of article 4 of the American convention.

These, I think, are the only points in which alterations are required by Russia. And we have no other to propose.

A "projet" such as it will stand according to the observations of this dispatch is inclosed, which you will understand as furnished to you as a guide for the drawing up of the convention, but not as prescribing the precise form of words nor fettering your discretion as to any alterations not varying from the substance of these instructions.

It will of course strike the Russian plenipotentiaries that by the adoption of the American article respecting navigation, etc., the provision for an exclusive fishery of 2 leagues from the coasts of our respective possessions falls to the ground.

But the omission is in truth immaterial.

The law of nations assigns the exclusive sovereignty of 1 league to each power on its own coasts, without any specific stipulation, and though Sir Charles Bagot was authorized to sign the convention with the specific stipulation of 2 leagues, in ignorance of what had been decided in the American convention, at the time, yet, after that convention has been some months before the world, and after the opportunity of consideration has been forced upon us by the act of Russia herself, we can not now consent, in negotiating de novo, to a stipulation which, while it is absolutely unimportant to any practical good, would appear to establish a contrast between the United States and us to our disadvantage.

Count Nesselrode himself has frankly admitted that it was natural that we should expect, and reasonable that we should receive, at the hands of Russia, equal measure, in all respects, with the United States of America.

It remains only in recapitulation, to remind you of the origin and principles of this whole negotiation.

It is *not* on our part essentially a negotiation about limits.

It is a demand of the repeal of an offensive and unjustifiable arrogation of exclusive jurisdiction over an ocean of unmeasured extent; but a demand qualified and mitigated in its manner, in order that its justice

may be acknowledged and satisfied without soreness or humiliation on the part of Russia.

We negotiate about territory to cover the remonstrance upon principle.

But any attempt to take undue advantage of this voluntary facility, we must oppose.

If the present "projet" is agreeable to Russia, we are ready to conclude and sign the treaty.

If the territorial arrangements are not satisfactory, we are ready to postpone them, and to conclude and sign the essential part, that which relates to navigation alone, adding an article stipulating to negotiate about territorial limits hereafter.

But we are not prepared to defer any longer the settlement of that essential part of the question, and if Russia will neither sign the whole convention nor that essential part of it she must not take it amiss that we resort to some mode of recording in the face of the world our protest against the pretentions of the ukase of 1821, and of effectually securing our own interests against the possibility of its future operation.

I am, etc.,

GEORGE CANNING.

Mr. S. Canning to Mr. G. Canning.

No. 13.] ST. PETERSBURG, *February 1 (13), 1825.*
(Received March 2.)

SIR: I avail myself of the return of the messenger Meates to inform you that yesterday evening I had my first conference with the Russian plenipotentiaries, Count Nesselrode and M. de Poletica.

After mutually communicating our full powers, those of the Russian plenipotentiaries being the same which were exhibited to Sir Charles Bagot, I stated that the "projet" which I was prepared to give in, agreeably to your instructions, respecting the differences growing out of the imperial ukase of September, 1821, would be found to contain fresh proofs of the conciliatory spirit in which His Majesty's Government had directed this negotiation, that it was now time to bring the negotiation, either in one way or another, to its final conclusion, and, with this view, His Majesty's ministers, in empowering me to offer a new "projet," had gone at once to the utmost extent of concession, justified by their sense of duty, in order to remove the objections of the Russian Government.

On reading the "projet" some difficulties were started and some discussion took place; but I hold it unnecessary to trouble you with a more particular account of this conference as the Russian plenipotentiaries were not then prepared to express any decided opinion as to those parts of the "projet" which do not entirely come up to their proposals, and I have expressly reserved to myself the liberty of recording my explanations in an official shape in the event of their persisting to object to any essential part of its contents.

Count Nesselrode said that he hoped to be ready with his answer in the course of a week. The Emperor's being again at Czarskoe-Zelo for two or three days may possibly occasion some delay.

I have, etc.,

STRATFORD CANNING.

Contre-projet submitted by Stratford Canning February 1 (13), 1825.

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irelande, et Sa Majesté l'Empereur de toutes les Russies desirant resserrer les liens de bonne intelligence et d'amitié qui les unissent, au moyen d'un accord qui regleroit d'après les principes de convenance réciproque, divers points relatifs au Commerce, à la Navigation, et aux Pêcheries de leurs Sujets sur l'Océan Pacifique, ainsi que les limites de leurs Possessions respectives sur la Côte Nord Ouest de l'Amérique, ont nommé des Plénipotentiaires pour conclure une Convention à cet effet; savoir,

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irelande, ——— ——— et Sa Majesté l'Empereur de toutes les Russies ——— ——— lesquels Plénipotentiaires après s'être communiqués leurs plein pouvoirs respectifs, trouvés en bonne et due forme, ont arrêté et signé les articles suivants:

Article I.

Il est convenu que dans aucune partie du Grand Océan, appelé communément Océan Pacific, les Sujets respectifs des Hautes Puissances Contractantes ne seront ni troublés, ni gênés, soit dans la Navigation, soit dans l'exploitation de la pêche, soit dans la faculté d'aborder aux Côtes sur des points qui ne seroient pas déjà occupés, afin d'y faire le Commerce avec les Indigènes, sauf toutefois les restrictions et conditions déterminées par les Articles qui suivent.

Article II.

Dan la vue d'empêcher que les droits de Navigation et de pêche exercées sur le Grand Océan par les Sujets des Hautes Parties Contractantes ne deviennent le prétexte d'un Commerce illicite, il est convenu que les Sujets de Sa Majesté Britannique n'aborderont à aucun point où il se trouve un Etablissement Russe sans la permission du Gouverneur ou Commandant; et que réciproquement les Sujets Russes ne pourront aborder sans permission à aucun Etablissement Britannique sur la Côte Nord Ouest.

Article III.

La ligne de démarcation entre les Possessions des Hautes Parties Contractantes situées sur le Continent et les Iles de l'Amérique Nord Ouest sera tracée ainsi qu'il suit:

Commençant du point le plus Méridional de l'Isle dite *Prince of Wales*, lequel point se trouve sous le Parallèle de 54 degrés 40 minutes, et entre le 131me et le 133me degré de Longitude Ouest (Méridien de Greenwich), la dite ligne remontera au Nord (l'Isle Prince of Wales appartenant en entier à la Russie) le long de la Passe, dite *Portland Channel*, jusqu'à ce qu'elle touche à la Côte de terre ferme au 56me degré de Latitude Nord, depuis ce point ci, où la ligne de démarcation touche au 56me degré, elle suivra la crête des Montagnes dans une direction parallèle à la Côte, jusqu'au 141me degré de Longitude Ouest (Même Méridien); et délà la ligne Méridienne du 141me degré de Longitude Ouest dans son prolongement jusqu'à la Mer Glaciale formera

la frontière entre les Possessions respectives des deux Puissances: pourvu néanmoins, qui si la Crête des susdites Montagnes, dans quelque partie que ce soit, de leur étendue, se trouvera située à plus de dix lieues maritimes de la Mer Pacifique, la ligne de démarcation, pour cet espace, sera une ligne parallèle aux sinuosités de la Côte, de manière que la dite ligne de démarcation ne sera en aucune partie à plus de dix lieues de la Côte.

Il est de plus convenu que nul Etablissement ne sera formé par l'une des deux Parties dans les limites assignées par cet Article à l'autre: les Sujets Britanniques ne formeront auoun Etablissement, soit sur la Côte soit sur la lisière de terre ferme comprise dans les limites des Possessions Russes telles qu'elles sont désignées par cet Article: et, de même, nul Etablissement pareil ne sera formé par des Sujets Russes au délà des dites limites.

ARTICLE IV.

Il est entendu que les Sujets de Sa Majesté Britanniques, soit venant de l'intérieur du Continent, soit arrivant de l'Océan Pacifique, jouiront à perpétuité du droit de naviguer librement et sans molestation quelconque toutes les Rivières ou fleuves, qui dans leurs Cours à la Mer Pacifique traverseront la ligne de demarcation au long de la lisière de la Cote indiquée dans l'Article précédent.

ARTICLE V.

Il est, néanmoins, entendu que pour l'espace de dix Ans, à dater de la signature de cette Convention, les Vaisseaux des Hautes Puissances ou ceux appartenans à leurs Sujets respectifs, auront également la liberté de fréquenter, sans molestation quelconque, toutes les Mers intérieures, les Golphes, Havres et Criques dans les parties de la Côte mentionées dans l'Article 3.—pour exercer la pêche, et trafiquer avec les Indigènes.

ARTICLE VI.

Le Port de Sitka ou Novo Archangelsk sera ouvert au Commerce et aux Vaisseaux des Sujets Britanniques durant l'espace de dix Ans à dater de l'échange des Ratifications de cette Convention. Au cas qu'une prolongation de ce terme de dix Ans sera accordée à quelqu'autre Puissance, une pareille prolongation en sera de même accordée à la Grande Bretagne.

ARTICLE VII.

La susdite liberté de Commerce ne sera pas censée embrasser le trafic des liqueurs spiritueuses, des Armes à feu, des Armes blanches, de la poudre à canon ou d'autres munitions de guerre, les Hautes Parties Contractantes, s'engageant réciproquement à ne pas laisser vendre, ni livrer de quelque manière que se puisse être, aux Indigènes du Païs, les Articles ci-dessus mentionnés.

ARTICLES VIII.

Tout Vaisseau Britannique ou Russe naviguant l'Océan Pacifique, qui sera forcé par des tempêtes, ou par quelqu'autre accident à se

réfugier dans les Ports des Parties respectives, aura la liberté de s'y radouber et s'y pourvoir de toute chose nécessaire et se remettre en mer sans payer d'autres droits que ceux de Port et de fanaux, qui toutefois n'excéderont pas les mêmes droits payés par les Navires Nationaux. Dans le cas, cependant, que le Patron d'un tel Navire se trouvera dans la nécessité de se defaire d'une partie de ses Marchandises pour subvenir à ses dépenses, il sera tenu de se conformer aux Ordonnances et aux Tarifs de l'endroit où il aura abordé.

Article IX.

Dans tout cas de plaintes par rapport à l'infraction des Articles de la présente Convention, des Officiers employés de part et d'autre sans se permettre, au préalable, aucune voie de fait, ou mesure de force, seront tenus de faire un rapport exact de l'affaire et de ses Circonstances, à leurs Cours respectives lesquelles s'engagent à le regler selon la justice et à l'amiable.

Article X.

La present Convention sera ratfiée, et les Ratifications en seront échangées à ——— dans l'espace de ——— Mois, ou plutôt si faire se peut.

En foi de quoi, &c.

Note.—The preceding Projet is in the handwriting of George Canning's secretary. It contains many annotations, corrections, and marginal notes in lead pencil in the handwriting of Matusevich, an official of the Russian office and afterwards an Ambassador Extraordinary. The following is a copy of the projet, with these corrections and alterations incorporated. Portions of the original which thus undergo alteration are underscored in lead pencil.

[Translation.]

Contre-projet submitted by Stratford Canning, February 1 (13), 1825.

His Majesty the King of the United Kingdom of Great Britain and Ireland and His Majesty the Emperor of all the Russias, desiring to draw closer the ties of good understanding and friendship which unite them, by means of an agreement which shall settle, in accordance with the principles of mutual accommodation, various points relating to commerce and navigation and to the fisheries of their subjects in the Pacific Ocean, as well as the boundaries of their respective possessions on the northwest coast of America, have appointed plenipotentiaries to conclude a convention for that purpose, to wit:

His Majesty the King of the United Kingdom of Great Britain and Ireland, ——— ———, and His Majesty the Emperor of all the Russias, ——— ———, which plenipotentiaries, after communicating to each other their respective full powers, found in good and due form, have agreed upon and signed the following articles:

Article I.

It is agreed that the respective subjects of the high contracting powers shall not be troubled or annoyed in any part of the great ocean, commonly called the Pacific Ocean, either in navigation or in the exploitation of the fisheries, or in the right to land on the coasts at

points not already occupied in order to trade there with the natives, subject, however, to the restrictions and conditions provided in the following articles:

ARTICLE II.

With a view to prevent the rights of navigation and fishing exercised in the great ocean by the subjects of the high contracting parties from becoming a pretext for an illicit trade, it is agreed that the subjects of His Britannic Majesty shall not land at any point where there is a Russian establishment without the permission of the governor or commandant, and that in return Russian subjects shall not land without permission at any British establishment on the northwest coast.

ARTICLE III.

The line of demarcation between the possessions of the high contracting parties situated on the continent and islands of northwest America shall be drawn as follows:

Beginning at the most southern point of the island called Prince of Wales, which point is under the parallel of 54° 40′, and between the one hundred and thirty-first and the one hundred and thirty-third degree of west longitude (meridian of Greenwich), the said line shall ascend to the north (Prince of Wales Island belonging entirely to Russia) along the passage called Portland Channel until it touches the coast of the mainland at the fifty-sixth degree of north latitude. From the point at which the line of demarcation touches the fifty-sixth degree it shall follow the crest of the mountains, in a direction parallel to the coast, to the one hundred and forty-first degree of west longitude, same meridian, and thence the meridian line of the one hundred and forty-first degree of west longitude, in its prolongation to the Arctic Ocean (Icy Sea), shall form the frontier between the respective possessions of the two powers: *Provided, however*, That if the crest of the said mountains, in any part whatever of their extent, shall be found to be more than ten maritime leagues from the Pacific Sea the line of demarcation for that space shall be a line parallel to the sinuosities of the coast, so that the line of demarcation shall not be anywhere more than ten leagues from the coast.

It is agreed, moreover, that no establishment shall be formed by either of the two parties within the limits assigned by this article to the other. British subjects shall not form any establishment, either on the coast or on the strip of mainland included in the limits of the Russian possessions as they are described in this article; and, in the same way, no such establishment shall be formed by Russian subjects beyond the said limits.

ARTICLE IV.

It is understood that the subjects of His Britannic Majesty, whether coming from the interior of the continent or arriving from the Pacific Ocean, shall enjoy forever the right to navigate, freely and without any molestation whatever, all the rivers which, in their course to the Pacific Ocean, cross the line of demarcation along the strip of the coast mentioned in the preceding article.

Article V.

It is, however, understood that for the period of ten years, to date from the signing of this convention, the vessels of the high powers, or those belonging to their respective subjects, shall have equally the right to frequent, without any molestation whatever, all the interior seas, the gulfs, havens, and creeks in the parts of the coast mentioned in Article III, to carry on fishing and to trade with the natives.

Article VI.

The port of Sitka or Novo-Archangelsk shall be open to the commerce and the vessels of British subjects for the period of ten years, to date from the exchange of the ratifications of this convention. In the event that a prolongation of this term of ten years is granted to any other power, a similar prolongation shall be likewise granted to Great Britain.

Article VII.

The above-mentioned freedom of commerce shall not be held to include the traffic in spirituous liquors, in firearms, in side arms, in gunpowder, or other munitions of war, the high contracting parties binding themselves mutually not to furnish the natives of the country with the articles above mentioned in any manner whatever.

Article VIII.

Every British or Russian vessel navigating the Pacific Ocean which may be compelled by storms or any other accident to take refuge in the ports of the respective parties shall have liberty to make repairs and to provide itself there with all necessaries, and to put to sea without paying any other dues than harbor and light-house dues, which, however, shall not exceed the same dues paid by the vessels of the country. In case, however, the master of such vessel should find himself compelled to dispose of a portion of his goods to meet his expenses, he shall be bound to conform to the ordinances and tariffs of the place at which he has touched.

Article IX.

In every case of complaint of the violation of the articles of the present convention, the officials employed on each side shall, without allowing themselves at first any act of violence or employment of force, be bound to make an accurate report of the matter and the circumstances connected with it to their respective courts, which bind themselves to settle it in accordance with justice and in an amicable manner.

Article X.

The present convention shall be ratified and the ratifications shall be exchanged at ——— within the period of ——— months, or sooner if possible.

In witness whereof, etc.

S. Canning's Contre-Projet as altered and corrected by Matusevich.

Sa Majesté le Roi du Royaume Uni de la Grande Bretague et de l'Irlande, et Sa Majesté l'Empereur de toutes les Russies désirant resserrer les liens de bonne intelligence et d'amitié qui les unissent, au moyen d'un accord qui régleroit, d'après le principe des convenances réciproques, divers points relatifs au Commerce, à la Navigation, et aux Pêcheries de leurs Sujets sur l'Océan Pacifique, ainsi que les limites de leurs Possessions respectives sur la Côte Nord Ouest de l'Amérique, ont nommé des Plénipotentiaires pour conclure une Convention à cet effet; savoir,

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, ——— ———,

Et Sa Majesté l'Empereur de toutes les Russies ——— ———, lesquels Plénipotentiaires après s'être communiqués leur plein-pouvoirs respectifs, trouvés en bonne et due forme, ont arrêté et signé les Articles suivants:

ARTICLE I.

Il est convenu que dans aucune partie du Grand Océan, appelé communément Océan Pacifique, les Sujets respectifs des Hautes Puissances Contractantes ne seront ni troublés, ni gênés, soit dans la Navigation, soit dans l'exploitation de la pêche, soit dans la faculté d'aborder aux Côtes sur des points qui ne seroient pas déjà occupés, afin d'y faire le Commerce avec les Indigènes, sauf toutefois les restrictions et conditions déterminées par les Articles qui suivent.

ARTICLE II.

Dans la vue d'empêcher que les droits de Navigation et de pêche exercés sur le Grand Océan par les Sujets des Hautes Parties Contractantes ne deviennent le prétexte d'un Commerce illicite, il est convenu que les Sujets de Sa Majesté Britannique n'aborderont á aucun point où il se trouve un Etablissement Russe sans la permission du Gouverneur ou Commandant; et que réciproquement les Sujets Russes ne pourront aborder sans permission à aucun Etablissement Britannique sur la Côte Nord Ouest.

ARTICLE III.

La ligne de démarcation entre les Possessions des Hautes Parties Contractantes sur le Continent et les Isles de l'Amerique Nord Ouest sera tracée ainsi qu'il suit:

À partir du point le plus Méridional de l'Isle dite *Prince of Wales*, lequel point se trouve sous la Parallèle du 54. dégré 40 minutes de latitude Nord, et entre le 131me et le 133me dégré de Longitude Ouest (Méridien de Greenwich) la dite ligne remontera au Nord le long de la Passe, dite *Portland Channel*, jusqu'à l'endroit où cette passe se termine dans l'intérieur de la terre ferme au 56me dégré de Latitude Nord— depuis ce dernier point la ligne de démarcation suivra la crête des Montagnes dans une direction parallèle à la Côte, jusqu'au point d'intersection de 141me dégré de Longitude Ouest (même Méridien).

Article IV.

Il est entendu, 1° que l'ile dite *Prince of Wales* appartiendra tout entière à la Russie.

2°. Que la lisière de côte mentionnée ci-dessus qui doit appartenir à cette même Puissance et remonter de la parallèle du 56e de latitude nord au point d'intersection du 141e de longitude ouest, aura pour limites la crête des montagnes ainsi qu'il a été dit plus haut, mais que partout où la distance entre la crête des montagnes et la mer se trouverait de plus de dix lieues marines la limite de cette même lisière sera formée par une ligne parallèle aux sinuosités de la côte, et qui ne pourra jamais s'éloigner de la mer que de dix lieues marines.

3°. Qu'à partir du point d'intersection du 141e degré de longitude ouest, la ligne de ce même degré formera dans son prolongement vers la Mer Glaciale, la frontière entre les possessions respectives des Hautes Parties Contractantes.

Article V.

Il est convenu en outre que nul établissement ne sera formé par l'une des deux parties dans les limites assignées par cet article à l'autre; les sujets britanniques ne formeront aucun établissement, soit sur la côte, soit sur la lisière de terre ferme comprise dans les limites des Possessions Russes telles qu'elles sont désignées par cet article; et, de même, nul établissement pareil ne sera formé par des sujets russes au délà des dites limities.

Article VI.

Les sujets de Sa Majesté Britannique qui viendront de l'intérieur du Continent, arriver à l'Océan Pacifique ou de l'Océan Pacifique se rendre dans l'intérieur du Continent jouiront à perpétuité du droit de naviguer librement et sans entrâve quelconque sur tous les fleuves et rivières qui dans leurs cours vers la Mer Pacifique traverseront les limites de territoire russe sur la lisière de la côte indiquée dans l'article précédent.

Article VII.

Pendant l'espace de dix ans, à dater de la signature de cette convention, les vaisseaux des Hautes Puissances, ou ceux appartenans à leurs sujets respectifs, auront également la liberté de fréquenter sans entrâve ni empêchements quelconque, toutes les mers intérieures, les golphes, havres et criques dans les parties de la côte mentionnées dans l'article 3 pour exercer la pêche et trafiquer avec les indigènes.

Article VIII.

Le Port de Sitka ou Novo-Archangelsk sera ouvert au Commerce et aux Vaisseaux des Sujets Britanniques durant l'espade de dix Ans à dater de l'échange des Ratifications de cette Convention. Au cas qu'une prolongation de ce terme de dix Ans soit accordé à quelqu'autre Puissance, la même prolongation sera également accordée à la Grande Bretagne.

Article IX.

La susdite liberté de Commerce ne s'appliquera point au trafic des liqueurs spiritueuses, des Armes à feu, des Armes blanches, de la poudre à canon, ou d'autres munitions de guerre, les Hautes Parties Contractantes s'engageant réciproquement à ne laisser ni vendre ni livrer de quelque manière que ce puisse être, aux Indigènes du Pays, les Articles ci-dessus mentionnés.

Article X.

Tout Vaisseau Britannique ou Russe naviguant sur l'Océan Pacifique, qui sera forcé par des tempêtes, ou par quelqu' accident de se réfugier dans les Ports des Parties respectives, aura la liberté de s'y radouber et s'y pourvoir de tous les objets qui lui seront nécessaires et se remettre en mer sans payer d'autres droits que ceux de Port et de fanaux, lesquels seront por eux les mêmes que pour les bâtimens Nationaux. Si cependant le Patron du Navire avarié se trouverait dans la nécessité de se defaire d'une partie de ses Marchandises pour subvenir à ses dépenses, il sera tenu de se conformer aux Ordonnances et aux Tarifs de l'endroit où il aura abordé.

Article XI.

Dans tous les cas de plaintes relatives à l'infraction des Articles de la présente Convention, les autorités civiles et militaires des deux Hautes Parties contractantes sans se permettre, au préalable, ni voie de fait, ni mesure de force, seront tenus de faire un rapport exact de l'affaire et de ses Circonstances, à leurs Cours respectives lesquelles s'engagent à la regler à l'amiable et d'après les principes d'une parfait justice.

Article XII.

La présente Convention sere ratifiée, et les Ratifications en seront échangées à ——— dans l'espace de ——— mois, ou plutôt si faire se peut.

En foi de quoi, &c.

[Translation.]

S. Canning's contre-projet, as altered and corrected by Matusevich.

His Majesty the King of the United Kingdom of Great Britain and Ireland and His Majesty the Emperor of all the Russias, desiring to draw closer the ties of good understanding and friendship which unite them, by means of an agreement which shall settle, in accordance with the principle of mutual accommodations, various points relating to the commerce, the navigation, and the fisheries of their subjects in the Pacific Ocean, as well as the boundaries of their respective possessions on the northwest coast of America, have appointed plenipotentiaries to conclude a convention for that purpose, to wit:

His Majesty the King of the United Kingdom of Great Britain and Ireland, ——— ———, and His Majesty the Emperor of all the Russias, ——— ———, which plenipotentiaries, after communicating to each other their respective full powers, found in good and due form, have agreed upon and signed the following articles:

Article I.

It is agreed that the respective subjects of the high contracting parties shall not be troubled or annoyed in any part of the great ocean, commonly called the Pacific Ocean, either in navigation, or in the exploitation of the fisheries, or in the right to land on the coasts at points not already occupied, in order to trade there with the natives, subject, however, to the restrictions and conditions provided in the following articles.

Article II.

With a view to prevent the rights of navigation and fishing exercised in the great ocean by the subjects of the high contracting parties from becoming the pretext for an illicit commerce, it is agreed that the subjects of His Britannic Majesty shall not land at any point where there is a Russian establishment without the permission of the governor or commandant; and that, in return, Russian subjects shall not land without permission at any British establishment on the northwest coast.

Article III.

The line of demarcation between the possessions of the high contracting parties on the continent and the islands of Northwest America shall be drawn as follows:

Beginning at the most southern point of the island called *Prince of Wales*, which point is under the parallel of 54° 40′ north latitude and between the one hundred and thirty-first and one hundred and thirty-third degrees of west longitude (meridian of Greenwich), the said line shall ascend to the north along the passage called *Portland Channel* to the place where that passage ends in the interior of the mainland, at the fifty-sixth degree of north latitude. From this last point the line of demarcation shall follow the crest of the mountains in a direction parallel to the coast to the point of intersection of the one hundred and forty-first degree of west longitude (same meridian).

Article IV.

It is understood:

1. That the island called Prince of Wales shall belong entirely to Russia.

2. That the strip of coast mentioned above, which is to belong to this same power, and to ascend from the fifty-sixth degree of north latitude to the point of intersection of the one hundred and forty-first degree of west longitude, shall have as its boundary the crest of the mountains, as has been said above, but that, wherever the distance between the crest of the mountains and the sea shall be more than 10 marine leagues, the boundary of this same strip shall be formed by a line parallel to the sinuosities of the coast, and which shall nowhere be more than 10 marine leagues from the sea.

3. That, beginning at the point of intersection of the one hundred and forty-first degree of west longitude, the line of that same degree shall form, in its prolongation toward the Arctic Ocean, the frontier between the respective possessions of the high contracting parties.

ARTICLE V.

It is agreed, moreover, that no establishment shall be formed by either of the two parties within the limits assigned in this article to the other. British subjects shall not form any establishment either on the coast or on the strip of mainland included in the limits of the Russian possessions as they are described in this article; and, in like manner, no such establishment shall be formed by Russian subjects beyond the said limits.

ARTICLE VI.

The subjects of His Britannic Majesty who may come from the interior of the continent to the Pacific Ocean, or who may go from the Pacific Ocean to the interior of the continent, shall enjoy forever the right to navigate, freely and without any obstacle, all the rivers and streams that, in their course toward the Pacific Ocean, may cross the limits of Russian territory on the strip of the coast described in the preceding article.

ARTICLE VII.

During the period of ten years, to date from the signing of this convention, the vessels of the high powers or those belonging to their respective subjects, shall have equally the right to frequent, without any let or hindrance whatever, all the interior seas, the gulfs, havens, and creeks in those parts of the coast mentioned in Article III, in order to carry on fishing and to trade with the natives.

ARTICLE VIII.

The Port of Sitka or Novo-Archangelsk shall be open to the commerce and vessels of British subjects for the period of ten years, to date from the exchange of the ratifications of this convention. In the event that a prolongation of this term of ten years should be granted to any other power, the same prolongation shall be likewise granted to Great Britain.

ARTICLE IX.

The above freedom of commerce shall not apply to the traffic in spirituous liquors, firearms, side arms, gunpowder, or other munitions of war, the high contracting parties binding themselves mutually not to allow to be sold, or to be furnished in any manner whatever, to the natives of the country the articles above mentioned.

ARTICLE X.

Every British or Russian vessel navigating the Pacific Ocean that may be compelled by storms or by any accident to take refuge in the ports of the respective parties shall be at liberty to refit and to provide itself there with everything that it may need and to put to sea again without paying any dues except port and light-house dues, which shall be the same for them as for the vessels of the country. If, however, the master of the damaged vessel should find himself compelled to dispose of a portion of his goods in order to meet his expenses, he shall be required to conform to the ordinances and tariffs of the place at which he has touched.

ARTICLE XI.

In all cases of complaint with regard to the violation of the articles of the present convention, the civil and military authorities of the two high contracting parties, without permitting themselves, beforehand, any act of violence or employment of force, shall be required to make a detailed report of the matter and its attendant circumstances to their respective courts, which bind themselves to settle it amicably and in accordance with the principles of perfect justice.

ARTICLE XII.

The present convention shall be ratified and the ratifications shall be exchanged at ——— within the period of ——— months, or sooner, if possible.

In witness whereof, etc.

Mr. S. Canning to Mr. G. Canning.

No. 15.] ST. PETERSBURG, *February 17* (*March 1*), *1825*.

(Received March 21.)

SIR: By the messenger Latchford I have the honor to send you the accompanying convention between His Majesty and the Emperor of Russia respecting the Pacific Ocean and northwest coast of America, which, according to your instructions, I concluded and signed last night with the Russian plenipotentiaries.[a]

The alterations which, at their instance, I have admitted into the "Projet" such as I presented it to them at first, will be found, I conceive, to be in strict conformity with the spirit and substance of His Majesty's commands. The order of the two main subjects of our negotiation, as stated in the preamble of the convention, is preserved in the articles of that instrument. The line of demarcation along the strip of land on the northwest coast of America assigned to Russia is laid down in the convention agreeably to your directions, notwithstanding some difficulties raised on this point, as well as on that which regards the order of the articles, by the Russian plenipotentiaries.

The instance in which you will perceive that I have most availed myself of the latitude afforded by your instructions to bring the negotiation to a satisfactory and prompt conclusion, is the division of the third article of the new "Projet," as it stood when I gave it in,[b] into the third, fourth, and fifth articles of the convention signed by the plenipotentiaries.

This change was suggested by the Russian plenipotentiaries,[c] and at first it was suggested in a shape which appeared to me objectionable, but the articles as they are now drawn up I humbly conceive to be such as will not meet with your disapprobation. The second paragraph of the fourth article had already appeared parenthetically in the third article of the "Projet," and the whole of the fourth article is limited in its signification and connected with the article immediately preceding it by the first paragraph.

With respect to Bering Straits, I am happy to have it in my power to assure you, on the joint authority of the Russian plenipotentiaries,

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[a] See *ante*, page 12. [b] See *ante*, page 213. [c] See *ante*, page 218.

that the Emperor of Russia has no intention whatever of maintaining any exclusive claim to the navigation of those straits or of the seas to the north of them.

It can not be necessary, under these circumstances, to trouble you with a more particular account of the several conferences which I have held with the Russian plenipotentiaries, and it is but justice to state that I have found them disposed, throughout this latter stage of the negotiation, to treat the matters under discussion with fairness and liberality.

As two originals of the convention prepared for His Majesty's Government are signed by the plenipotentiaries, I propose to leave one of them with Mr. Ward for the archives of the embassy.

I have, etc.,

STRATFORD CANNING.

Mr. Middleton to Mr. Adams.

No. 43.] ST. PETERSBURG, *17th February, 1st March, 1825.*
(Received May 2.)

SIR: I have the honor to acquaint you that a convention was signed yesterday between the Russian and British plenipotentiaries relative to navigation, fisheries, and commerce in the Great Ocean, and to territorial demarcation upon the Northwest Coast of America. In a conversation held this day with Mr. Stratford Canning I have learned that this treaty is modeled in a great degree upon that which was signed by me in the month of April last, and that its provisions are as follows, to wit:

The freedom of navigation and fishery throughout the Great Ocean and upon all its Coasts; the privilege of landing at all unoccupied points; that of trading with the natives; and the special privileges of reciprocal trade and navigation secured for ten years upon the northwest Coast of America, together with the mutual restrictions prohibiting the trading in firearms or spirituous liquors, are all stipulated in the British as in the American Treaty; and some new provisions are made for the privilege of refitting vessels in the respective Ports, and no higher duties are to be imposed than upon National Vessels.

The third article of this convention establishes the line of demarkation between the possessions of the two powers upon the Continent and Islands, as follows: It begins at the southernmost point of Prince of Wales's Island (about 54° 40′), leaving the whole of that island to Russia. It follows the strait called Portland Passage up to the fifty-sixth degree; then turns eastward upon that latitude until it touches the highest ridge of the chain of mountains lying contiguous to and nearly parallel with the coast; it follows that ridge up to the sixtieth degree, and then takes the direction of that degree of latitude until its intersection with the one hundred and forty-first degree of longitude west of Greenwich; thence it follows that meridian north to the Icy Sea. But in case the ridge of the Mountain lying parallel with the Coast shall be more than 10 marine leagues from the Shores of the Continent, then the distance of 10 marine leagues from the Shore is to be considered as the boundary of the Russian possessions upon the Continent.

I beg leave here to repeat an opinion I ventured to express in my dispatch No. 38, respecting the policy of establishing a Post upon the Continent somewhere within the Straits of Fuca. The most valuable part of the furs procured upon the northwest Coast is obtained in the

interior Seas running around the cluster of Islands bordering the Coast. I should consider such a post as more important in many points of view than one upon Columbia River, and as likely to have a most decisive influence in securing an advantageous settlement of limits with England, who will be anxious, now that her northern limit is established, to settle her southern boundary upon that Coast.

I have the honor to be, sir, very faithfully, your obedient servant,

HENRY MIDDLETON.

Count Nesselrode to Count Lieven.

ST. PÉTERSBOURG, *le 20, Février / 3 Mars, 1825.*

MONSIEUR LE COMTE: Je me félicite de pouvoir annoncer à Votre Excellence que mes négociations avec Mr. Stratford Canning relativement à la côte N. O. de l'Amérique. ont été couronnées de succès.

Nous venons de signer la convention dont copie ci-jointe.

Le seul point qui ait donné lieu à quelques difficultés dans nos discussions avec le Plénipotentiaire Britannique avait rapport aux limites de la lisière de côte que la Russie doit posséder sur le continent Américain depuis le 56° de lat. N. jusqu'au point d'intersection du 141° de long. Ouest.

L'Empereur eut trouvé plus réciproquement juste, plus également avantageux, que la frontière naturelle, formée par les montagnes qui bordent la côte fut adoptée de part et d'autre, comme ligne de démarcation invariable. L'Angleterre y eut gagné partout où ces montagnes se seraient trouvées à moins de dix lieues marines de la mer; la Russie partout où cette distance aurait été plus grande et vu le peu de précision des notions géographiques qu'on posséde sur ces contrées un tel arrangement eut offert une entière parité de chances favorables aux deux Parties contractantes.

Cependant Mr. Stratford Canning ayant déclaré que ses instructions ne lui permettaient pas d'accueillir les vœux que nous lui avions exprimés sous ce rapport, l'Empereur pour donner une dernière preuve de ses dispositions amicales à Sa Majesté Britannique, nous autorisa à signer l'acte en question tel, que j'ai l'honneur de le transmettre à Votre Excellence.

Je lui en enverrai incessamment les ratifications et je profite de cette occasion pour Lui accuser la réception de ses dépêches du 30 mars / 12 Février que je me suis empressé de porter à la connaissance de l'Empereur.

Recevez, Monsieur le Comte, l'assurance de ma haute considération.

[Translation.]

Count Nesselrode to Count Lieven.

ST. PETERSBURG, *February 20 (March 3), 1825.*

MONSIEUR LE COMTE: I congratulate myself on being able to inform your excellency that my negotiations with Mr. Stratford Canning with regard to the northwest coast of America have been crowned with success.

We have just signed the convention, a copy of which is inclosed.

The only point that has given rise to any difficulties in our discussions with the British plenipotentiary related to the limits of the strip

of coast which Russia is to possess on the American continent from the fifty-sixth degree of north latitude to the point of intersection of the one hundred and forty-first degree of west longitude.

The Emperor would have found it more mutually just, more equally advantageous, if the natural frontier formed by the mountains bordering on the coast were adopted by both parties as the invariable line of demarcation. England would have gained thereby wherever those mountains were less than 10 marine leagues from the sea; Russia, wherever that distance was greater; and, in view of the want of accuracy of the geographical notions which we possess as to these countries, such an arrangement would have offered an entire equality of favorable chances to the two contracting parties.

However, Mr. Stratford Canning having declared that his instructions did not permit him to entertain the wishes which we had expressed to him on this point, the Emperor, in order to give his Britannic Majesty a last proof of his friendly feelings, authorized us to sign the act in question, such as I have the honor to transmit it to your excellency.

I shall shortly send you the ratifications, and I avail myself of this opportunity to acknowledge the receipt of your dispatches of March 30 February 12, which I hastened to communicate to the Emperor.

Receive, Monsieur le Comte, the assurance of my high consideration.

Count Nesselrode to Count Lieven.

ST. PÉTERSBOURG, *le 13 Mars 1825.*
(Received 29 March/10 April.)

MONSIEUR LE COMTE: Votre excellence trouvera ci-joint la ratification de la Convention que nous avons conclue avec Mr. Stratford-Canning, au sujet des possessions respectives de la Russie et de la Grande Bretagne, sur la côte N. O. de l'Amérique.

En échangeant cet instrument contre celui qui doit Vous être remis par la Cour de Londres, l'Empereur désire, Monsieur le Comte, que Vous observiez à Mr. Canning, qu'il eût été plus conforme, d'après l'opinion de Sa Majesté Impériale, et aux principes d'une mutuelle justice et à ceux des convenances réciproques, de donner pour frontière à la lisière de côte que la Russie doit posséder depuis le 56° de lat^de^ Nord, jusqu'au point d'intersection du 141° de lon^de^ Ouest, la crête des montagnes qui suivent les sinuosités de la côte.

Cette stipulation en effet, eût assuré aux deux Puissances, une parfaite égalité d'advantages et une limite naturelle. L'Angleterre y eût trouvé son profit partout où les montagnes sont à moins de dix lieues marines de la mer, et la Russie, partout où la distance qui les en sépare est plus grande. Il nous semble que, touchant des contrées dont la géographie est encore peu connue, on ne pouvoit proposer de stipulation plus équitable. Votre Excellence ajoutera, que le Plénipotentiaire de S. M. Britannique ayant déclaré qu'il se trouvoit dans l'impossibilité d'accueillir les vœux que nos lui avons exprimés sous ce rapport, c'est uniquement pour donner au Roi d'Angleterre une preuve de Ses dispositions amicales, que notre Auguste Maître nous a permis de signer cet article tel qu'il existe dans la Convention actuelle.

L'Empereur Se flatte que S. M. Britannique appréciera un aussi sincère témoignage du désir qui nous animoit de terminer des discussions fâcheuses et d'en prévenir le retour par une transaction définitive.

Votre Excellence est autorisée à donnor lecture de la présente à M. Canning et à lui en laisser une copie, avec prière de la mettre sous les yeux du Roi.

Recevez, Monsieur le Comte, l'assurance de ma haute considération.

[Translation.]

Count Nesselrode to Count Lieven.

ST. PETERSBURG, *March 13, 1825.*
(Received March 29 / April 10.)

MONSIEUR LE COMTE: Your excellency will find inclosed the ratification of the convention which we have concluded with Mr. Stratford Canning with regard to the respective possessions of Russia and Great Britain on the northwest coast of America.

Upon exchanging this instrument for that which is to be delivered to you by the Court of London, the Emperor wishes you, Monsieur le Comte, to remark to Mr. Canning that it would have been more in conformity, in the opinion of his Imperial Majesty, both with the principles of mutual justice and with those of reciprocal accommodations, to give as a frontier to the strip of coast which Russia is to possess from the fifty-sixth degree of north latitude to the point of intersection of the one hundred and forty-first degree of west longitude the crest of the mountains which follow the sinuosities of the coast.

This stipulation, in fact, would have secured to the two powers a perfect equality of advantages and a natural boundary. England would have found her profit in it wherever the mountains are less than 10 marine leagues from the sea, and Russia wherever the distance separating them from it is greater. It seems to us that, in the case of countries whose geography is still little known, no more equitable stipulation could be proposed. Your excellency will add that, as the plenipotentiary of his Britannic Majesty had declared that he found it impossible for him to entertain the wishes which we expressed to him on this point, it was solely to give the King of England a proof of his friendly feelings that our August Master permitted us to sign this article such as it exists in the present convention.

The Emperor flatters himself that His Britannic Majesty will appreciate so sincere a testimony of the desire by which we were actuated to put an end to disagreeable discussions, and to prevent a return of them, by a definitive compromise.

Your excellency is authorized to read the present to Mr. Canning, and to leave him a copy of it, with the request that he will place it before the eyes of the King.

Receive, Monsieur le Comte, the assurance of my high consideration.

Mr. G. Canning to Mr. S. Canning.

No. 6.] FOREIGN OFFICE, *March 15, 1825.*

SIR: Your dispatches to No. 13, inclusive, have been received and laid before the King.

I inclose to you a copy of a dispatch received from Mr. Addington, by which you will see that the Government and Senate of the United

States have ratified the Treaty of Northwest American Boundaries and Navigation, which was negotiated at St. Petersburg last year.

It is hardly necessary to point out to you the additional force which the conclusion of this transaction gives to that part of your instructions on the same subject, which prescribes the demand for this country of terms as favorable as those which have been obtained by the United States.

I am, etc., GEORGE CANNING.

Mr. S. Canning to Mr. G. Canning.

No. 30.] ST. PETERSBURG, *April 3* (*15*), *1825*. (Received May 3.)

SIR: I beg leave to trouble you with a few words in acknowledgment of your two dispatches, the one containing a copy of a letter addressed by you to his excellency Prince de Polignac, on the subject of certain oyster fisheries lying between the Island of Jersey and the adjacent coast of France, and the other inclosing a dispatch from Mr. Addington to you, announcing the ratification of the convention concluded last year between Russia and the United States, touching the navigation of the Pacific Ocean and other matters connected with that subject.

I trust that the objects to which the communications transmitted with those dispatches relate have been found to be sufficiently secured by the convention, which, under your instructions, I have signed, during my residence here, in concert with the Russian plenipotentiaries.

With respect to the right of fishing, no explanation whatever took place between the plenipotentiaries and myself in the course of our negotiations. As no objection was started by them to the article which I offered in obedience to your instructions, I thought it unadvisable to raise a discussion on the question; and the distance from the coast at which the right of fishing is to be exercised in common passed without specification, and consequently rests on the law of nations as generally received.

Conceiving, however, at a later period that you might possibly wish to declare the law of nations thereon, jointly with the court of Russia in some ostensible shape, I broached the matter anew to Count Nesselrode, and suggested that he should authorize Count Lieven, on your invitation, to exchange notes with you declaratory of the law as fixing the distance at 1 marine league from the shore.

Count Nesselrode replied that he should feel embarrassed in submitting this suggestion to the Emperor just at the moment when the ratifications of the convention were on the point of being dispatched to London, and he seemed exceedingly desirous that nothing should happen to retard the accomplishment of that essential formality. He assured me at the same time that his Government would be content, in executing the convention, to abide by the recognized law of nations, and that if any question should hereafter be raised upon the subject, he should not refuse to join in making the suggested declaration, on being satisfied that the general rule under the law of nations was such as we supposed.

Having no authority to press the point in question, I took the assurance thus given by Count Nesselrode as sufficient, in all probability, to answer every national purpose.

Referring to the American treaty, I am assured, as well by Count

Nesselrode as by Mr. Middleton, that the ratification of that instrument was not accompanied with any explanations calculated to modify or affect in any way the force and meaning of its articles. But I understand that, at the close of the negotiation of that treaty, a protocol, intended by the Russians to fix more specifically the limitations of the right of trading with their possessions, and understood by the American envoy as having no such effect, was drawn up and signed by both parties. No reference whatever was made to this paper by the Russian plenipotentiaries in the course of my negotiation with them; and you are aware, sir, that the articles of the convention which I concluded depend for their force entirely on the general acceptation of the terms in which they are expressed.

I have, etc., STRATFORD CANNING.

Count Lieven to Count Nesselrode.

LONDRES, *8/20 Mai, 1825.*

MONSIEUR LE COMPTE: Conformément aux ordres de Votre Excellence je me suis empressé de donner à Mr. Canning lecture et copie de la Dépêche accompagnant l'envoi de notre Ratification de la convention conclue avec Mr. Stratford Canning au sujet des possessions respectives de la Russie et de la Grande Bretagne sur la côte Norde-Ouest de l'Amérique.

Avant même la reception de cette pièce, je m'etois fait un devoir d'observer au Secrétaire d'Etat, combien le refus du Gouvernement Anglois de consentir à la fixation de la frontière au moyen de la crête des montagnes qui suivent les sinuosités de la Côte, devoit paroître rigoureux au Cabinet Impérial, lorsqu'il de s'agit que de l'occupation de quelques lieues de terre de plus ou de moins, et qu'une immense étendue de pays désert nous sépare encore des possessions Angloises.

J'appelai également son attention, sur l'influence inévitable que la roideur que nos avions éprouvée sur un point aussi peu important en lui même, exerceroit sur la conduit des négociations de la même nature que le Gouvernement Anglois alloit être dans le cas d'entreprendre incessamment avec les Etats Unis, auxquels cette circonstance ne manqueroit certainement pas de donner la mesure des difficultés et des prétentions qu'ils auront à combattre.

Mr. Canning, en rendant pleine justice aux intentions qui ont déterminé les concessions consentées par notre Cour, dont la marche en cette occasion a porté incontestablement l'empreinte des dispositions amicales de Sa Majesté l'Empereur vis à vis de l'Angleterre, a cherché à justifier l'insistance du Gouvernement Brittanique, en m'assurant, qu'elle dérivoit uniquement du désir sincère de prévenir le retour de toute discussion fâcheuse à l'avenir, et non d'une intention quelconque d'acquérir un accroissement de territoire, ou de limiter l'extension des possessions Russes; Que les contestationes dans lesquelles le Gouvernement Anglois se trouve engagé en ce moment avec celui des Etats-Unis, à cause d'une stipulation du traité de Gand, semblable à celle proposée par notre Cour et qui fixoit également une chaine de montagnes pour frontière entre les possessions des deux Etats, lui avoient démontré tout l'inconvénient d'une délimitation établie sur ce principe, les montagnes s'étant trouvées dévier très considérablement en réalité de

la direction qui leur étoit désignée dans les cartes présumées les plus correctes et les plus détaillées; Que cet inconvénient s'étant présenté lorsqu'il s'agissoit de contrées dont la Géographie est bien plus connue que celles des régions auxquelles se refèrent les stipulations de la Convention du 16 (28) Février dernier, le Gouvernement Anglois en insistant aujourd'hui sur la fixation d'une limite moins indéfinie, avoit cru donner une preuve du prix qu'il attache à prévenir jusqu'à la possibilité d'une discussion sur la teneur de la transaction conclue entre les deux Cabinets.

Ayant échangé avec Mr. Canning, dans la journée du 9 Avril, la ratification de notre cour de cet acte, contre celle de Sa Majesté Britannique, j'ai l'honneur de transmettre ci-joint ce document à votre excellence, accompagné du certificat d'usage servant à constater l'échange qui a eu lieu entre le Secrétaire d'Etat et moi.

J'ai l'honneur, etc.

[Translation.]

Count Lieven to Count Nesselrode.

LONDON, *May 8 (20), 1825.*

MONSIEUR LE COMTE: In conformity with your excellency's orders I hastened to read to Mr. Canning, and to give him a copy of, the dispatch accompanying our ratification of the convention concluded with Mr. Stratford Canning with regard to the respective possessions of Russia and Great Britain on the northwest coast of America.

Even before the receipt of that document, I had made it my duty to remark to the Secretary of State how ungracious the refusal of the English Government to consent to the establishment of the frontier by means of the crest of the mountains which follow the sinuosities of the coast, must appear to the Imperial Cabinet when it was merely a question of the occupation of a few leagues of land more or less, and when an immense extent of desert country still separates us from the English possessions.

I likewise called his attention to the influence which the stiffness which we had experienced upon a point of so little importance in itself would inevitably exercise upon the management of the negotiations of the same nature which the English Government would shortly be compelled to undertake with the United States, to whom this circumstance would certainly not fail to give some idea of the difficulties and claims which she will have to combat.

Mr. Canning, while rendering full justice to the intentions which determined the concessions granted by our court, whose conduct on this occasion has borne indisputably the stamp of the friendly feelings of His Majesty the Emperor toward England, attempted to justify the persistence of the British Government by assuring me that it arose solely from a sincere desire to prevent the recurrence of any disagreeable discussion in future, and not from any intention of acquiring an increase of territory or of limiting the extension of the Russian possessions; that the disputes in which the English Government finds itself engaged at this moment with the United States Government, on account of a stipulation of the treaty of Ghent similar to the one proposed by our court, and which likewise fixed a chain of mountains as the frontier between the possessions of the two States, had shown it all the inexpediency of a delimitation established on this principle, the mountains

having been found to deviate very considerably from the direction given them on the maps which were thought to be the most correct and the most detailed; that this inexpediency having presented itself in the case of countries whose geography is much better known than that of the regions to which the stipulations of the convention of February 16 (28) last relate, the English Government, in now insisting upon the fixing of a less vague boundary, thought that it gave a proof of the value which it attaches to the prevention of even the possibility of a discussion as to the tenor of the transaction concluded between the two cabinets.

Having exchanged with Mr. Canning, on the 9th April, the ratification of this act by our court for that of His Britannic Majesty, I have the honor to transmit that document to your excellency inclosed, accompanied by the customary certificate serving to establish the fact of the exchange which has taken place between the Secretary of State and myself.

I have the honor, etc.

Extract from President Monroe's annual message of December 2, 1823.[a]

[For full text see Messages and Papers of the Presidents, 1789–1897, compiled by James D. Richardson.—Washington, 1896.]

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At the proposal of the Russian Imperial Government, made through the minister of the Emperor residing here, a full power and instructions have been transmitted to the minister of the United States at St. Petersburg to arrange by amicable negotiation the respective rights and interests of the two nations on the northwest coast of this continent. A similar proposal had been made by His Imperial Majesty to the Government of Great Britain, which has likewise been acceded to. The Government of the United States has been desirous by this friendly proceeding of manifesting the great value which they have invariably attached to the friendship of the Emperor and their solicitude to cultivate the best understanding with his Government. In the discussions to which this interest has given rise and in the arrangements by which they may terminate the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.

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[a] See reference to this portion of the message by Mr. Middleton, *ante*, page 77; by Mr. Canning, *ante*, page 147.

PAPERS RELATING TO A RENEWAL OF THE TRADING PRIVILEGE GRANTED TO THE UNITED STATES BY THE TREATY OF 1824.

Report of the Board of Directors of the Russian-American Company. November 27th, 1834 (No. 1181).

[Translation.]

To His Excellency Count KANKREEN,
Imperial Minister of Finance, etc.

The Chief Manager of the Colonies in America, Post Captain of the Navy and Chevalier, Baron Wrangell, reports to the Board of Directors on April 28th last that, although the ten years term of the treaty concluded between Russia and the United States of America concerning the navigation of American ships in the waters of the Russian dominions in America elapsed on April 5/17 of this year, the American captains Snow and Allen answered to his demand in the effect that, not being regularly informed of it by their Government they should continue to go from Novo Archangelsk into the Straits. To prevent this, Baron Wrangell considered it his duty to inform them by letter of the expiration of the term fixed by the treaty in order that they should not be in a condition to justify themselves by not knowing this law.

In submitting to Your Excellency herewith a copy of Baron Wrangell's circular written in French and sent to those Americans; the Board of Directors takes the liberty of asking you not to refuse to communicate for them with the Government of the United States of America, requesting that it should announce to everybody who ought to know it, that the term of the aforementioned Convention has expired and that the Captains of merchant ships have no right to enter within the Russian dominions north of 54° 41′ latitude for carrying on commerce with the natives.

Director ANDREW SEVERIN.

[Inclosure to Report of Board of Directors.]

SIR: As Governor of the Russian Colonies in America, and availing myself of your entrance into this port, I have the pleasure to inform you that—according to Art. IV of the Convention concluded and ratified by His Majesty the Emperor of all the Russias on one part, and on the other by the Highly Honorable The President of the United States of America, with the approval and consent of the Senate, on the 5/17 of April 1824—the right of frequenting the gulfs, straits, ports and bays included within the limits of the Russian possessions on the North-West coast of America, namely: north of latitude 54° 40′, has ceased for vessels of citizens of the United States of America, on the 5/17 of April of this year.

I consider it my duty to advise you of this fact in order to prevent any violation of the said Convention that might occur through ignorance of this circumstance and

to beg you to communicate the contents of this note to all the citizens of the United States you may meet in these parts.

The copy of this circular shall be communicated to the United States Congress by the Russian Government.

I have the honor to be, &c.

(Signed) BARON WRANGELL,
Captain of the Imperial Russian Navy, Knight,
Governor of the Russian Colonies in America.

The Governor of the Russian-American Company to the Commander of brig "Chichagoff," Lieutenant Zarembo, March 8, 1835 (No. 26).

[Translation.]

After having prepared your vessel for the expedition, I recommend you to set sail at the first opportunity and direct your course by the most convenient route to Tumbaz [Tongas].

The aim of your expedition is twofold: 1, The occupation of a station on the frontiers of our straits for the purpose of preventing the foreigners to enter them and to trade with the natives, as they have lost the right to do so on account of the expiration of the ten years' term of the Convention, as you may see from the enclosed copy. 2, For trading with the natives. I deem it necessary to observe the following with regard to these two points.

I. Occupation of a station.

As we may say that the only place in our straits, visited by the foreigners is Tongas, you must select this bay as the place of your sojourn. Here you may always hear from the Kolosh about the appearance of some vessel and consequently having your brig always ready to set sail, you will always be able to proceed to where the foreigner will show herself.

Upon receiving from her answers to the questions marked in the enclosed papers, you will declare to her that the term of the Convention has expired, giving each vessel a letter from the nine copies here enclosed (six written for captains of the United States and three for the English) and demand that in consequence of this the vessel should leave our possessions. Should the captain allege some indispensable reason which forced him to enter and to stop, as dire necessity of repairs or danger from winds, after having ascertained the truth of the statement you will use all means of giving him aid, in order that you may send him out of the strait after having removed the obstacle. It stands to reason that the foreigner must under no circumstances carry on trade with the natives.

If contrary to all expectations, the captain should insist on staying and should continue to carry on trade, you in your turn, must not employ any violent measures against him, but report his actions to the colonial authorities at your earliest opportunity.

But should insolence go so far that some one should use violence against you, it is your duty to repulse it by military measures and punish the brigands, maintaining the honor of your flag and uniform. A vessel taken under such circumstances is a legal prize.

II. Trade with the natives.

It is known to you that the most important influx of furs to the southern parts of our straits is at Tongas and that in April and up

to the middle of May in Tongas and the neighboring localities all the Kolosh are absent as they go to Naas with their furs. It is consequently absolutely necessary to reach Tongas during March so as to catch the inhabitants on the spot.

I beg of you to take upon yourself the trouble of overseeing the trade and establishing it. You know how important this feature is and I hope that, according to your last year's operations in the straits, you will teach now also the as yet inexperienced factor. I beg of you to maintain the prices current in Stachin and Sitka.

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You have on board all the merchandise for the Kolosh that we could gather.

When the Tongas inhabitants will have left this place and no foreign vessels will be seen, sail for the Dyonisius redoubt, deliver your cargo destined for this redoubt and return to your station about the middle of May when the natives come back for fishing. You may require from the redoubt merchandise for the Kolosh should you be in need of the same as for example, cotton cloth and tobacco.

Towards September, during that month and October, autumn trade gathers at Tongas and its neighborhood, all the furs going now into the hands of the British and Americans; I, consequently, recommend that you should not leave the straits before having assured yourself that the autumn trade is in your hands and that you need not fear the arrival of a foreigner and that there is none in the vicinity. Then after having fully completed your mission return to Novo-Archangelsk and present a report on your operations to the colonial authorities.

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Report of the Board of Directors of the Russian American Company, to the Department of Trade and Manufactures, November 26, 1835 (No. 1298).

[Translation.]

In consequence of the paper received from the Department of Trade and Manufacture with regard to our conventions with England and the United States, the Board of Directors, after consideration of the circumstances and means which would not injure the essential course of business of the Company, laid its opinion for examination before Council instituted by Supreme order, and according to the resolution of the latter has the honor to forward to the Department of Trade and Manufactures the opinion of the Board of Directors confirmed by the Council: (1) with regard to the American Captains who, in spite of warning, continue to navigate as heretofore our waters for the purpose of trading with the natives of our possessions, the Company will never in any case whatsoever, lose sight of Art. XI of the Convention with Great Britain, according to the terms of which no forcible measures or violence shall be used, and the Board of Directors will report it in detail to the authorities and demand protection and defence against such violators of international law. (2) When the English and United States Americans were allowed by the conventions to navigate within the Russian possessions, the Russian-American Company, in order to avoid disagreeable and often disastrous consequences from competition

in trade, especially with such captains who would stop at nothing for the sake of gain, did not send off its vessels to the places where the foreign ships had their trading dens, 4 to 6 coming every year and supplying the savages, in spite of the conventions, with liquor, cannon, guns and powder; but already before the expiration of the term of the conventions, in 1833, the Governor, Baron Wrangell, sent brig the *Chichagoff*, commanded by his assistant Capt. Lieut. Etholine, to cruise along the boundary of our possessions and grow acquainted with the natives, who until then traded solely with the foreigners. Upon Mr. Etholine's return, the same mission was entrusted to Lieut. Zarembo, and, as may be seen from the reports of these officers, they had great difficulty in executing the mission of the Governor in spite of great pains, indefatigable patience and considerable expense. The inhabitants of those localities, the Kolosh, a numerous, warlike and impudent people, excited by insinuations of the various competitors in trade, with regard to Russia's rights to this territory, and the Russians turning them into slaves, were inculcated with strange suspicions and hostility towards the Russians. Only the ever equitable treatment of the above mentioned officers, sacrifice of capital for presents to the chiefs of the savages, and unwavering honesty in the trade, softened at first and then brought them to the necessity of soliciting the Governor to establish a settlement among them. On account of this request workmen were sent out immediately, and, under supervision of Lieut. Zarembo, a redoubt was erected at the mouth of the river Stikine, in the latitude of 56° 40′ N. and longitude 132° 10′ W. of Greenwich. Upon the completion of this first settlement, the safety of the same by means of mutual and prompt reinforcements, as well as the continuous maintenance of trade with the natives, demand that a chain of stations be established from the most southern redoubt of our possessions, St. Dyonisius at Stikine, to the north to the Chilkat Strait, named Lynn Canal by Vancouver. It is indispensable, according to the inspection of the local Commander, to erect on this area 2 or 3 more redoubts, establish settlements, and intending to do so the Company cannot, without evident prejudice, see foreigners trading freely within the boundary of Russian possessions; each of the redoubts will then be, so to say, in a besieged condition from the natives themselves, for, on account of competition in trade the foreigners will pay them again as heretofore with liquor, powder, guns and cannon, and in such a case the actions of intoxicated savages will know no bounds as to impudence, riot and the consequences to us will be continual disputes, and may be bloodshed. The Board of Directors deems it necessary to add that the American Captains made attempts, by converting the natives to Christianity, to bind them to them by means of religious ties; fort his purpose missionary Green was brought there by Capt. Taylor of ship *Volunteer*. He might have succeeded in his undertaking, but the extreme greed of the Captain lost them the confidence of the natives and the missionary was obliged to return without having achieved any success. This incident illustrates the ill-will of the American Captains, who take advantage of the rights of trade, enjoyed during the 10 years term of the convention, but since prohibited by the same. On account of all these circumstances the Board of Directors declares that the acceptance of new conventions from the United States as well as from the British Government, should the proposition emanate from the latter, to allow their captains to freely

navigate our waters for the purpose of trading in our possessions, will be decidedly prejudicial to the Russian American Company, but the permission for foreigners to come to the Port of Novo Archangelsk to trade with the office of the Company according to the instructions of the Governor, may remain as heretofore, and no new treaty is necessary for the same. The Board of Directors has the honor to return the papers forwarded with the writing of the Department of Trade and Manufacture.

Baron Krudener to Mr. Dickins.

[Translation.]

WASHINGTON, *May 19 (31), 1835.*

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the Emperor of all the Russias, has the honor to address the following communication to Mr. Dickins, who has charge of the Department of Foreign Relations during the absence of the Secretary of State.

The convention concluded between Russia and the United States on the 5th (17th) of April, 1824, regulated various points respecting the commerce and navigation of the vessels of each nation, along the northwest coast of America. The fourth article of this convention grants to American vessels for ten years after the date of the signature thereof the right of frequenting, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks comprised within the limits of the Russion possessions on the aforesaid coast, and especially northward of 54° 40′ of north latitude.

This period of ten years expired on the 5th (17th) of April, 1834; notwithstanding which two American captains, Snow and Allen, who were then in the port of Novo Archangelsk, declared their intention to visit the anchoring places on the coast belonging to Russia, as before, on the plea that they had received no notice of the cessation of this privilege from their Government. This declaration induced Captain Baron de Wrangell, governor of the Russian American colonies, to state formally to Captains Snow and Allen, by a circular addressed to them, under date of April 27, that by the terms of the convention of April, 1824, American vessels had no longer the right of landing at their discretion at all the landing places of the said possessions in America.

In consequence of what is here exposed, the ministry of His Majesty the Emperor of all the Russias has ordered the undersigned to call the attention of the American Government to the fact that the fourth article of the treaty of 5th (17th) of April, 1824, by which indefinite and indiscriminate liberty (*une liberté indéfinie et indistincte*) of frequenting the respective possessions of each party on the northwest coast was granted to the vessels of each has expired. The new state of things brought on by the terms of the treaty, since the expiration of the said ten years, not having been sufficiently appreciated by the navigators of the United States, who have latterly frequented the Russian possessions on the northwest coast of North America, it appears to be necessary that the American public should be informed of the actual state of the relations on this subject, and the undersigned has been ordered to invite the Government of the United States to take the most suitable measures with regard to it.

The undersigned, etc., B. KRUDENER.

Mr. Dickins to Baron Krudener.

DEPARTMENT OF STATE,
Washington, June 3, 1835.

The undersigned, Acting Secretary of State, has the honor to acknowledge the receipt of the note addressed to him on the 19th (31st) ultimo, by Baron Krudener, envoy extraordinary and minister plenipotentiary of His Majesty the Emperor of all the Russias, reminding this Government of the expiration of the fourth article of the treaty of 5th (17th) April, 1824, between the United States and Russia, which secured to American and Russian vessels the privilege of frequenting the respective possessions of the two powers on the northwest coast, and suggesting the propriety of the adoption of proper measures to notify this fact to the people of the United States.

The undersigned has the honor to inform Baron Krudener that he will take an early opportunity to submit his communication to the President, and he avails, etc.,

ASBURY DICKINS.

Mr. Forsyth to Baron Krudener.

DEPARTMENT OF STATE,
Washington, June 24, 1835.

SIR: I have the honor to inform you that your note of the 19th (31st) ultimo, calling the attention of this Government to the fact that the fourth article of the convention of April, 1824, between the United States and Russia had expired by its own limitation during the year 1834, and suggesting the propriety of making this event known to the American public, has been laid before the President for his consideration. As, however, the motives which led to and rendered expedient the adoption of that article of the treaty of 1824 exist now in equal force, and as the arrangement has been found mutually beneficial to the interests of the citizens and subjects, respectively, of the contracting parties, without inconvenience to either, I am instructed to apprize you that the President would prefer not to take any active measures to interrupt the commercial intercourse between the United States and the Russian settlements on the northwest coast of America, unless, in your opinion, there is reason to believe that a proposition on the part of this Government for the renewal of the article referred to would not be met in a favorable spirit by the Government of His Imperial Majesty at St. Petersburg.

An early answer to this communication, if you are not aware of any difficulty on the part of your Government in the way of such a negotiation, will enable me, without unnecessary delay, to transmit the requisite instructions on the subject to the diplomatic representative of the United States in Russia.

I pray you, sir, to accept, etc.,

JOHN FORSYTH.

Baron Krudener to Mr. Forsyth.

[Translation.]

PHILADELPHIA, *June 29 (July 11), 1835.*

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the Emperor of all the Russias, has received the note of June 24, which was addressed to him by Mr. Forsyth, Secretary of State of the United States. He would have made it a duty to answer it immediately, had the state of his health permitted.

The undersigned regrets that it is entirely out of his power to give any distinct opinion as to the result which might attend any steps on the part of the Cabinet of the United States to engage the Government of His Imperial Majesty to stipulate a renewal of the fourth article of the treaty of the 5th (17th) of April, 1824, which ceased to be in force last year. It being thus impossible for the undersigned to foresee the intentions of the Emperor, he can only persevere in compliance with the orders transmitted to him by the ministry, and in repeating the demand which formed the object of his note of the 19th (31st) of May. The undersigned is the more obliged to comply with this duty, as the instructions with which he is furnished on this subject are positive, and express no doubt of the readiness of the American Government to proceed to the publication requested.

The undersigned, etc., B. KRUDENER.

Mr. Forsyth to Baron Krudener.

DEPARTMENT OF STATE,
Washington, July 21, 1835.

SIR: I have received your note of the 29th June (11th July), declining to express an opinion as to the probable result of an application on the part of this Government to that of His Imperial Majesty for a renewal of the fourth article of the convention of 1824, between the United States and Russia, and reiterating the request contained in your communication of the 19th (31st) May last, that the fact of the expiration of the term limited in the article referred to should be, in some form, brought into notice, for the information of the American public. I have, in answer, the honor to state that a formal notice from the Government is not deemed necessary. All the citizens of the United States are bound to know existing laws and their rights and obligations under existing treaties. Still, however, as His Imperial Majesty's Government has especially invited the attention of this Government to the subject, an informal notice will be given through the public journals of Baron de Wrangell's warning to the captains of American vessels on the northwest coast of this continent.

I will be very happy to receive from you, as early as practicable, precise information on the measures His Imperial Majesty's Government has adopted, or proposes to adopt, in relation to the subject, as corresponding regulations may be deemed necessary by the United States in regard to Russian subjects in the event of the non-renewal of the treaty stipulation.

I pray you to accept, etc.,

JOHN FORSYTH.

Baron Krudener to Mr. Forsyth.

[Translation.]

NEW YORK, *July 14 (26), 1835.*

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the Emperor of all the Russias, has had the honor to receive the note dated July 21, in which Mr. Forsyth, Secretary of State of the United States, in reply to his communication of June 29 (July 11), informs him that the Government of the United States intended to insert in the public newspapers an unofficial notice of the warning given by Baron Wrangell to the captains of American vessels on the northwest coast of this continent respecting the expiration of the fourth article of the treaty of April 5 (17), 1824; expressing also a desire to receive from the undersigned, as soon as possible, precise information with regard to the measures which the Imperial Government has adopted, or may adopt, on this subject, as corresponding regulations with regard to Russian subjects may be considered necessary in case the stipulation of the treaty be not renewed. The undersigned has without delay submitted to his Government the said note of the Secretary of State, and will communicate to him the results as soon as they are received.

The undersigned, etc., B. DE KRUDENER.

Mr. Forsyth to Mr. Wilkins.

No. 4.] DEPARTMENT OF STATE,
Washington, July 30, 1835.

SIR: I transmit to you, inclosed, the copy of a recent correspondence with Baron Krudener, the diplomatic representative of His Majesty the Emperor of Russia at Washington, regarding the fourth article of the convention of April, 1824, between the United States and that Empire. It will be perceived from these papers that the baron has taken occasion to remind this Government of the expiration of the term limited in that article, and to request that a notification of this fact may be given for the information of the American public. An informal notice has been accordingly published in the Globe of the 22d instant, of Baron de Wrangell's warning to the captains of certain American vessels trading with the Russian settlements on the northwest coast of America. It will also be seen that, in answer to an inquiry from this Department, Baron Krudener has declined to express an opinion as to the probable result of a proposition to His Imperial Majesty's Government for a renewal of the article referred to.

It therefore becomes necessary, and you are now authorized by the President's direction, to enter immediately upon a negotiation with the Government of His Imperial Majesty, if it should be found willing to entertain the proposition, for the renewal of the stipulations of the fourth article of the convention of the 5th (17th) April, 1824, for an indefinite period, or, if this can not be had, for a term of years.

There is reason to believe that the course pursued by the Captain Baron de Wrangell, governor of the Russian-American colonies, incidentally mentioned in the Baron de Krudener's letter of the 31st May

last, has been instigated by the Russian-American Fur Company; and it is not improbable that representations of a character similar to those made to the governor, and from the same source, have been transmitted to St. Petersburg. If prejudices exist of the nature apprehended, and tending to defeat the object now in view, they will be easily discoverable in your intercourse with the Russian minister of foreign affairs, and you will take an early opportunity to discredit them by showing that representations growing out of private interests are always to be received with great caution, and should not be suffered to influence the decision of a question which may be productive of injury to the citizens and subjects, respectively, of the contracting parties.

The motives that prompted the adoption of the fourth article of the treaty of 1824 by the parties to that convention exist now in equal if not superadded force, since it will not be denied that it has been mutually beneficial to the citizens of both, without being inconvenient to either. Serious objections on the part of Russia, therefore, to the renewal of the stipulations contained in it can hardly be anticipated. Should this reasonable expectation, however, be disappointed, it is the wish of the President that you should, without unnecessary delay, obtain from His Imperial Majesty's Government precise information in regard to the measures adopted, or proposed to be adopted, on its part in relation to the admission of American vessels into the harbors, bays, and rivers of the Russian settlements on the northwest coast of this continent, in order that corresponding regulations, if deemed necessary, may be made by this Government.

I am, etc.,

JOHN FORSYTH.

[Inclosure.—Extract from the Globe newspaper of July 22, 1835.]

It will be recollected that a convention was concluded between the United States and Russia in April, 1824, regulating various matters connected with the commerce and navigation of the two nations on the northwest coast of America. By the fourth article it was stipulated that the ships of both nations might, during a term of ten years, frequent without hindrance the interior seas, gulfs, harbors, and creeks of each nation on that coast for the purpose of fishing and trading with the natives of the country. The ten years expired in April, 1834; and we understand that formal notice has been given by the governor of the Russian colonies to the masters of the American ships then trading there that they could no longer claim, under the convention, the right of landing at all the landing places, without distinction, belonging to Russia on that coast. Those interested in the trade will not fail to observe that under the second article of the convention it is necessary for all American vessels resorting to any point on that coast where there is a Russian establishment to obtain the permission of the governor or commander.

Mr. Wilkins to Mr. Forsyth.

No. 11.] LEGATION OF THE UNITED STATES,
St. Petersburg, September 7, 1835.

SIR: The steamboat of the day before yesterday brought me your despatch No. 4, dated on the 30th July last, accompanied by a copy of a recent correspondence with Baron Krudener regarding the 4th article of the convention of April, 1824, between the United States and Russia; a copy, also, of an informal notice published in the "Globe"

of the 22d of July last, touching American vessels trading with the Russian settlements on the northwest coast of America; and an extract from a despatch of Mr. Middleton, dated 7th (19th) April, 1824, relating to the 4th article of the treaty above mentioned.[a]

I have already had the honor of apprizing you of the absence of his Imperial Majesty and his Minister of Foreign Affairs. Prince Lieven, left in the temporary occupation of Count Nesselrode's office, is unwilling to incur responsibility by taking up any matter of business which can be postponed until the return of the Minister. Immediately upon the return to the capital of that officer I shall not fail to call his attention to the fact of the expiration, by its own limitation, of the 4th article of the treaty of April 1824, between the United States and the Imperial Government to submit to him the proposition, and to endeavor to fulfil the instructions and meet the views of the President contained in the despatch which I have just received. I observed, shortly after my arrival in this city, that the term of ten years stipulated in the 4th article of the treaty had expired, and mentioned the circumstance in my despatch No. 3, of the date of the 27th of December last. I have not made allusion to it, upon any occasion, here, because I presumed (and so it has occurred) that the subject would engage your attention at Washington.

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I have the honor to be, sir, your obedient servant,

WM. WILKINS.

To the Hon. JOHN FORSYTH,
Secretary of State.

Mr. Wilkins to Mr. Forsyth.

No. 14.] LEGATION OF THE UNITED STATES,
St. Petersburg, November 23, 1835.

SIR: In the last dispatch which I had the honor to address to you, on the 26th of September last, I informed you it was likely you would not again hear from me until after the return of the Emperor and Count Nesselrode to this capital.

His Majesty returned on the 1st instant, having been preceded a few days by his minister of foreign affairs.

Immediately upon receiving from Count Nesselrode the usual written notice of his having resumed the duties of his official station, I addressed him a note and requested him to name a day when I might have the honor of a personal conference. He mentioned the 4th instant. I waited upon him accordingly at the foreign office, and disclosed to him the wishes of the American Government in reference to the removal of the fourth article of the treaty of April, 1824, and held with him such conversation and placed the matter in that light which seemed to me the most proper and in accordance with my instructions. Upon the close of our conversation I handed to him, in writing, a memorandum of the proposal you authorized me to submit. The view in which I placed the matter and the substance of the conversation will appear (and therefore need not be more particularly detailed) by reference to the copies of the notes which I addressed to him immediately after the conference, simply noting two observations which fell from him. * * *

I have, etc.,

WM. WILKINS.

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[a] See *ante*, page 75.

[Inclosure 1.]

Memorandum.

ST. PETERSBURG, *Oct. 23, (Nov. 4) 1835.*

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, in reference to the subject upon which he has this day had the honor of a personal conference with his excellency Count Nesselrode, Vice Chancellor of the Empire, submits to the Imperial Ministry the following distinct proposition in behalf of the American Government: To renew the stipulations of the 4th article of the convention of the 5th (17th) of April, 1824, between his Imperial Majesty the Emperor of all the Russias, and the United States of America, either for another term of ten years, or for an indefinite period.

WM. WILKINS.

Mr. Wilkins to Count Nesselrode.

ST. PETERSBURG, *November 5, 1835.*

Mr. Wilkins, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, presents his respects to his excellency Count Nesselrode, and has the honor to enclose him the extracts spoken of yesterday, from the conventions of the United States of America with Great Britain, dated on the 20th of October, 1818, and the 6th of August, 1827.

Mr. Wilkins also, as it affords a satisfactory reply to an observation which fell from his excellency yesterday, transmits a copy of a law of Congress, passed on the 19th of May, 1828, providing for the punishment of contraventions of the fifth article of the treaty of April, 1824. The attention of the Imperial Ministry is called to this law, because it affords manifest proof of the integrity of purpose on the part of the Government of the United States, and its disposition to secure the fulfilment of its stipulations with Russia.

Mr. Wilkins prays his excellency Count Nesselrode to accept the assurance of his high consideration and respect.

[Inclosed in Mr. Wilkins's note of Nov. 5.]

AN ACT for the punishment of contraventions of the fifth article of the treaty between the United States and Russia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any one, being a citizen of the United States, or trading under their authority, shall, in contravention of the stipulations entered into by the United States with the Emperor of all the Russias, by the fifth article of the treaty, signed at St. Petersburg, on the seventeenth day of April, in the year of our Lord one thousand eight hundred and twenty-four, sell or cause to be sold, to the natives of the country on the northwest coast of America, or any of the islands adjacent thereto, any spirituous liquors, fire arms, or other arms, powder or munitions of war of any kind, the person so offending shall be fined in a sum not less than fifty nor more than two hundred dollars, or imprisoned not less than thirty days, nor more than six months.

SEC. 2. *And be it further enacted*, That the superior courts in each of the territorial districts, and the circuit Courts and other courts of the United States, of similar jurisdiction in criminal causes, in each district of the United States, in which any offender against this act shall be first apprehended or brought for trial, shall have, and are hereby invested with, full power and authority to hear, try and punish, all crimes, offences and misdemeanors, against this act; such courts proceeding therein in the same manner as if such crimes, offences and misdemeanors, had been committed within the bounds of their respective districts.

Approved, May 19, 1828.

[Inclosure 2.]

Mr. Wilkins to Count Nesselrode.

ST. PETERSBURG, *November 1 (13), 1835.*

* * * * * * *

Notwithstanding his very recent conversation with Count Nesselrode in reference to the proposition of the American Government to renew the expired fourth article of the treaty of April, 1824, the undersigned will embrace the present occasion to repeat

what may then have been, in a very brief manner, verbally represented, and to add a few remarks immediately bearing upon that question.

The diplomatic representative of His Imperial Majesty at Washington City having taken occasion to remind the United States of the expiration of the ten years stipulated in the fourth article of the treaty of 1824, and to desire thereon the action of their Chief Magistrate, is indicative of the necessity that the two Governments should, as early as convenient, come to a decision upon the policy hereafter to control their citizens and subjects, respectively, upon the northwest coast. Hence it is that, under express instructions, the undersigned had the honor, immediately upon the return of his excellency Count Nesselrode to the capital, to call his attention to the question, and to submit to him his proposal of October 23 (November 4), of which the undersigned delivered at the time a memorandum in writing.

The motives which influence the Government of the United States in submitting that proposition to the imperial ministry will be found to arise out of a consideration of the following circumstances:

(1) The desire to avoid any difficulty and apprehension of collision between the inhabitants, traders, and fishermen upon that wild coast, so remotely situated, but with very few and widely separated posts of civilization, and the entire country almost so exclusively occupied by savage tribes as to render restraint and proper responsibility to the law well-nigh out of the question with either Government.

(2) The proposed arrangement would render definite and precise the rights and duties of the subjects and citizens of the contracting parties respectively, and would obviate all necessity to resort to a construction of the remaining articles of the treaty of April, 1824, and would likewise avoid any chance of conflicting interpretations of that instrument.

(3) Since the undersigned had the honor, in their personal conference the other day, to be informed by his excellency Count Nesselrode of the arrangement relative to the trade and intercourse upon the northwest coast of America subsisting at present between the Governments of Russia and Great Britain, he has turned to the first and eleventh articles of the commercial treaty of the 6th (18th) of December, 1832, between Russia and the United States, and begs leave to call the attention of the imperial minister to the same articles, who will, upon their perusal, see for himself how far their provisions bear upon the present subject, and whether they may not give rise to an inquiry which may be rendered unnecessary by an acquiescence in the proposed arrangement.

(4) Touching the especial matter in question, the proposed arrangement would, it is believed, place the three nations—Russia, England, and the United States—upon the same fair footing and upon the same equality in the enjoyment of a community of privileges.

In the personal interview of the 4th instant (N. S.), his excellency Count Nesselrode mentioned two circumstances, to which the undersigned will now refer for a moment. One was the objection entertained by the Imperial Government to all traffic in fire-arms and spirituous liquors, by American citizens, with the native Indians. To this the undersigned now replies, as he did then very succinctly, that it is believed the treaty of 1824, containing a stipulation against that traffic, immediately put an end to it; that there have been no infractions since its adoption—certainly none complained of in representations to the Government at Washington; that, as a further assurance against infringements upon that humane stipulation, and as an evidence of the sincere desire of his Government to enforce it, the undersigned, immediately after their conference, inclosed to his excellency a copy of a law passed by Congress declaring certain prosecutions and penalties against those who should offend against that provision of the treaty. And the undersigned will, on this point, content himself by adding that the above traffic is now discountenanced and prohibited by the present well known and benevolent course of policy pursued by the American Government towards the wild and uncultivated aborigines of the country.

The other circumstance mentioned by his excellency was that, as the Russian American Fur Company were particularly interested in the decision of the question, he conceived it to be his duty to consult its directors before he could give a final answer.

It is not often that those who enjoy a monopoly under a liberal grant from an indulgent sovereign will be willing even to modify, or permit others to participate in, any portion of their privileges. But, in the present instance, it must be recollected that such a concession is not embraced in the proposition submitted without a fair equivalent; for the privilege to fish and traffic north and south of the latitude of 54° 40′ would rest upon the just principles of reciprocity.

Whether any prejudices or individual interests exist having a tendency to disincline His Imperial Majesty to assent to a renewal of the expired article of the treaty of 1824, or how far such prejudices or interests, if they do manifest themselves on the

part of individual gentlemen of the first respectability, ought to influence the action of Governments upon a question of general import and affecting national and amicable intercourse, is not for the undersigned alone to determine. It is enough for him to know that the views in 1824, which produced the provision contained in the fourth article, have been tested by experience, and the results being mutually beneficial and convenient prove their propriety.

To justify the presumption that the annual visits of American ships in the prosecution of their adventures upon the northwest coast are sometimes very convenient and must be beneficial to the Russian settlements and ports in that distant and not productive climate, the undersigned takes leave to refer to a contract made within a few days by the Russian American Fur Company with an American citizen for supplies to their agents and ports for the ensuing year.

Should the undersigned, however, be disappointed in the reasonable expectation he has formed, and the Imperial Government be unwilling to entertain the proposal to renew, either indefinitely or for another term of years, the provisions of the article of the treaty referred to, he requests that his excellency Count Nesselrode will do him the favor to inform him in regard to the measures adopted, or proposed to be adopted, on the part of Russia in relation to the admission of American vessels into the harbors, bays, and rivers of the Russian settlements on the northwest coast of the American continent. The happy understanding which prevails between the two Governments, the desire to avoid any casual difference, and the probable necessity for corresponding measures, will readily indicate the motives which prompt this request.

The undersigned can not close this note without repeating, very earnestly, his wish to be put in possession of the answer of the imperial ministry upon the two subjects to which their attention is directed.

The undersigned, etc.,

WM. WILKINS.

[Inclosure 3.]

Count Nesselrode to Mr. Wilkins.

ST. PETERSBURG, *November 8, 1835.*

The undersigned, as he had the honor to announce, did not fail to submit to the department of finance the subject of the memorandum addressed to him on the 23d October (4th November) by Mr. Wilkins, envoy extraordinary and minister plenipotentiary of the United States of America, respecting the renewal of the fourth article of the treaty of April, 1824.

The undersigned, as soon as he has obtained the opinion of the proper authorities and received the orders of the Emperor, will immediately communicate to Mr. Wilkins the point of view under which the proposition of his Government is regarded here. He, however, requests Mr. Wilkins to bear in mind that the Imperial Government, in examining this proposition, will lose sight of none of those considerations which should induce it more strongly to cement the amicable relations now existing between the two Governments.

Contenting himself for the present with this answer to the note of Mr. Wilkins of the 1st (13th) of November, the undersigned seizes, etc.,

NESSELRODE.

[Inclosure 4.]

Mr. Wilkins to Count Nesselrode.

[Extract.]

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, has the honor to acknowledge the receipt of the note bearing date yesterday, addressed to him by Count Nesselrode, Vice Chancellor of the Empire, by which he observes that his excellency has submitted to the Minister of Finance the proposition of the American Government for the renewal of the fourth article of the treaty of April, 1824.

However forcibly impressed the undersigned may be with the necessity of as early a decision of this question as may be practicable with the Imperial Ministry, he will await, with pleasure, the final result of the course adopted by Count Nesselrode.

* * * * * * *

WM. WILKINS.

(Nov. 9, 1835.)

Count Nesselrode to Count E. F. Kankreen.

[Translation.]

DEAR SIR: Acting upon your report, dated December 7th, last, (No. 3782) concerning the expiration of the term of ten years, stipulated in Article IV of our Treaty with the United States of north-America as the term of free navigation for our ships in the waters of our local possessions, I considered it my duty to instruct our Minister in the United States, Baron Krudener, to direct the local Government to inform those whom it may concern that on the expiration of the term, the captains of the ships should have no further right to penetrate the Russian dominions north of 50° 41′ [sic] latitude for the purpose of trading with the natives.

Trusting that Russia would renew the aforesaid article of the Treaty, the American Government was unwilling to fulfill Baron Krudener's request, upon the ground that any announcement concerning the question would be superfluous, inasmuch as every American Captain should have cognizance of all provisions of the existing treaties and is therefore bound to know, that he had no longer the right to approach the coasts of our American dominions.

In refuting this objection, Baron Krudener cited the cases of the Captains Snow & Allen who, notwithstanding the expiration of the term of ten years, wished to sail as before from Novo-Archangel into the straits declaring that they had not been informed by their Government of the fact. On our Ambassador's urgent request an announcement (a translation of which document is hereto annexed) was at last inserted in the American newspapers in regard to the expiration of the term mentioned in Article IV of the Treaty of 1824, relating to the navigation of American ships in the waters of the Russian colonial possessions.

Supposing that our Government would use some severe measures against those American captains, who, notwithstanding this notice, should sail into our shores as before, the Secretary of State, Mr. Forsyth, asked Baron Krudener in a note,—(the translation of which is hereto annexed) to inform him how they would be treated in such cases, in order that the United States might likewise consider the measures to be taken against Russian subjects, in case the clause of the Treaty should not be renewed.

Now the American Minister, Mr. Wilkins, has officially proposed to me the renewal of the fourth Article of our Treaty concluded with the United States on April 5/17th, 1824, for ten years more or for an indefinite time. I, therefore, apply to you, Sir, begging you to give me your opinion on this subject.

In case you should find it against the interests of our Government to renew the right of navigation which American ships enjoy in our dominions in North America, I find it advisable to draw your attention to the aforesaid question of the Secretary of State Forsyth concerning the measures which would be taken against such American captains as, notwithstanding the expiration of the term, should arbitrarily sail into our straits; and I beg you, Sir, to inform me what answer I am to give upon this subject to the American Government.

You know, Sir, that a similar convention was concluded in 1825 with the Government of Great Britain concerning the navigation in our dominions in North America, although the British Government has

not yet taken any steps looking towards the renewal of this Treaty, it is to be supposed that the London Cabinet is likely to make a similar proposition, in case Russia consents to renew the Article with the United States. As England has already renewed in 1827, for an indefinite term, its convention with the American Government concluded October 20, 1818, governing the rights of navigation of their respective subjects along the north-west coast of America, it will most likely wish to do the same with us.

(Signed) Count NESSELRODE.

October 30, 1835.

Mr. Wilkins to Mr. Forsyth.

No. 16.] LEGATION OF THE UNITED STATES,
St. Petersburg, December 11, 1835.

* * * * * * *

SIR: As I anticipated, when I last wrote, I held with Count Nesselrode, at the foreign office, on Monday last, the 7th instant, a personal conference upon my proposition to renew, either indefinitely or for a term of years, the fourth article of the treaty of April, 1824, and I regret to be compelled to say that, in this effort, at all events for the present, I have been unsuccessful; and I presume the overture will be finally altogether rejected, unless some new and, to me, unforeseen circumstances turn up.

I was well aware that I should have to encounter the decided opposition of the Russian American Fur Company; and in presenting the subject to the vice-chancellor in the various lights in which it struck my mind, I took the ground that it was not a mere interested and selfish question of gain in the traffic upon the northwest coast, but one of a higher character, involving political and national considerations: that whilst I was very willing to admit the more active commercial enterprise and superior shipping of the citizens of the United States, yet this was a question not to be decided by such circumstances, but should turn upon the consideration of our national good will and our amicable and disinterested reciprocal intercourse. * * *

Inasmuch as it seemed to me, by the language of your instructions, that you preferred an indefinite revival of the fourth article, I drew up, to that effect, the form of a treaty, following, as a precedent, the articles of our convention with England of the 6th of August, 1827; which I submitted to, and, at his desire, left in the possession of Count Nesselrode. A copy is herewith transmitted.

At the close of the conference, I requested Count Nesselrode to give me his reply in writing. He acquiesced, and accordingly sent me his official note, dated on the 28th ultimo (old style), and a copy of which I have also the honor to inclose to you.

During our conference, I did not feel myself authorized to call the attention of the Imperial minister to what might, or probably would be, the construction by the United States upon the treaty, with the fourth article extinct; nor what rule of the law of nations would be considered as applicable to the case, and controlling the trade upon a wild and extensive American coast, of a great and open ocean, and still, with the exception of a very few posts at a vast distance from each other, in the rightful occupancy of the natives, and to which, I

believe, the sovereignty of Russia has not yet, in any treaty or convention, been admitted.

I found, also, upon turning to the treaty of 1825, between Russia and Great Britain, subsequent to writing my note of the 1st (13th) of last month to Count Nesselrode, that my reference therein to the first and eleventh articles of our treaty of the 6th (18th) December, 1832, with this country had no bearing upon and was inapplicable to the question I was then discussing; because the stipulations in their treaty with Great Britain, similar to that contained in our fourth article, were likewise limited to ten years, and had expired in February last. At the interview on Monday last I gave this explanation to Count Nesselrode, who answered my observations by saying that England had not yet applied for a revival of the mutual privilege, and if it should be agreed to with that power, would, of course, and of right by treaty stipulation, be immediately given to the United States.

As the answer I have received is of a positive character and cannot be evaded by me, it in reality postpones this question until late in next summer—in all probability until the autumn—because the voyage is one of several months—and Governor Wrangell will not leave the North West Coast until the opening of the navigation next season. Indeed, I believe, it is well understood that he is only now ordered home, in consequence of the affair which occurred in 1834, under his administration, with a vessel of the British Company and which is substantially detailed in the annexed publication taken from the English newspaper "The Times".

* * * * * * *

I am informed that our vessels generally trade between latitudes 50° and 57°, and, occasionally, go still further north. The English are always to be found on the coast, have trading-posts established along it, some of which are south of latitude 54° 40'.

The principal establishments of the Russians are called Sitka and New Archangel, towns situated upon adjacent islands of their respective names, off Norfolk Sound, and in latitude 57° north. Archangel is their chief place, where they keep up a garrison, established in 1800, of about seven hundred men. They have other trading-posts, and two or three small garrisons between Behring's Straits and Sitka. In the winter season, when their people are all collected at the posts upon the coast, they amount to about two thousand. They now build vessels upon the coast, and are increasing the number. Last year they had four or five ships of a burden from 175 to 250 tons, and seven or eight sloops, or smaller vessels, of about 100 tons each.

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I have, etc., WILLIAM WILKINS.

[Inclosure 1.]

Draft of a convention renewing indefinitely the fourth article of the treaty of the 5th (17th) of April, 1824, between the United States of America and the Emperor of all the Russias.

ART. I. The provisions of the fourth article of the convention, concluded between the United States of America and His Imperial Majesty the Emperor of all the Russias on the 5th (17th) of April, 1824, shall be, and they are hereby, renewed and indefinitely extended and continued in force in the same manner as if all the provisions of the said article were herein specially recited.

ART. II. It shall be competent, however, to either of the high contracting parties, in case either should think fit, at any time after the 1st day of January, 1837, on giving due notice of twelve months to the other party, to annul and abrogate this convention, and it shall, in such case, be accordingly entirely annulled and abrogated, after the expiration of the said term of notice.

ART. III. Nothing herein contained shall be construed to impair, or in any manner affect, further than is expressly declared above, any of the provisions or stipulations contained in the aforesaid convention of the 5th (17th) of April, 1824.

* *

[Inclosure 2.—Translation.]

Count Nesselrode to Mr. Wilkins.

ST. PETERSBURG, *November 28, 1835.*

The Imperial Government having taken into consideration the proposition made by that of the United States, to renew the fourth article of the convention of 5th (17th) of April, 1824, has been convinced that it was impossible to pronounce upon that subject until information had been received from the places where the said article would be enforced, sufficient to authorize an opinion upon the propriety of such a measure. The Imperial Government can not, however, expect to receive such information until towards next spring, when it may be obtained from some of its officers, whom a long residence on the northwest coast of America has enabled to become well acquainted with the interests and wants of the Russian establishments in those countries, as well as the influence already exercised upon their prosperity by the provisions of the said fourth article.

* * * * * * *

NESSELRODE.

Mr. Forsyth to Mr. Dallas.

No. 2.] DEPARTMENT OF STATE,
Washington, April 19, 1837.

SIR: I am directed by the President to invite your early attention to the subject of the 4th article of the convention of April, 1824, with Russia. This article secured to the vessels of the contracting parties the reciprocal right of frequenting for the purpose of fishing and of trading with the natives, the interior seas, gulfs, havens, and creeks upon the northwest coast of this continent. Its stipulations were limited to the term of ten years, and expired in 1834. In the following year this Government having been reminded by the Russian minister here of the expiration of the term limited in the article, instructions were given to Mr. Wilkins in July, 1835, to which you are particularly referred, to offer a proposition to the Government of his Imperial Majesty, for a renewal of its stipulations, either for an indefinite period or for a term of years; and, if serious objections were entertained on the part of the Russian Government to entering on such negotiation, Mr. Wilkins was requested to obtain precise information in regard to the measures adopted, or proposed to be adopted, by his Imperial Majesty, in regard to the admission of vessels of the United States into the harbors, bays, and rivers of the Russian settlements on the northwest coast of America, in order that corresponding regulations, if deemed necessary, might be adopted by this Government. Under these instructions, the subject was accordingly presented to Count Nesselrode in November of the same year, and in December following a note was received from him acquainting Mr. Wilkins that the Imperial Government thought it expedient to post-

pone a decisive answer to the proposal of the United States, to revive the stipulations of the 4th article of the convention of 1824, until the arrival of some of its officers from the northwest coast, who would be able to furnish such information on the subject as would authorize an opinion upon the propriety of the measure. Since the receipt of the note last referred to, no further step has been taken by this Government, or its diplomatic representative at St. Petersburg, in relation to the matter in question. The arrival at that capital, during the last summer, of the Baron Wrangell, formerly Governor of the Russian possessions in North America will have afforded the Government of his Imperial Majesty an opportunity of obtaining the information desired. It is, therefore, the wish of the President that, as soon as convenient after your arrival at your post, you should remind the Count Nesselrode that no definitive answer has yet been given to the communications of Mr. Wilkins on the subject of the renewal of the 4th article of the convention of 1824; that a decision is anxiously looked for, and that the hope is entertained that his Imperial Majesty's Government is now prepared to take a favorable view of the proposition. In executing this duty, however, it will not be necessary to repeat the call for information as to the regulations which, in the event of a refusal to renew the 4th article of the convention, his Imperial Majesty's Government may propose to apply to the vessels of the United States frequenting the Russian Settlements on the northwest coast. Such official inquiry may very properly be suspended until you shall have ascertained that some measures affecting our intercourse with those possessions have actually been adopted by the Russian Government, in consequence of the expiration of the 4th article of the convention.

* * * * * * *

I have, etc. JOHN FORSYTH.

NOTE.

The despatch No. 2, April 19, 1837, from Mr. Forsyth, Secretary of State, to Mr. Dallas, United States Minister in St. Petersburg, was followed by a dispatch from Mr. Forsyth, May 4, 1837, to Mr. Dallas, instructing him to present to the Russian Government the claim for indemnity of the American brig *Loriot*. This vessel had sought to land in August, 1836, at one of the islands west of Prince of Wales Island, about latitude 54° 45′ north, for the purpose of intercourse and trade with the Indians, and had been driven away by a Russian armed brig and her voyage defeated, on the ground that the ten years' privilege of trade granted to American vessels under article four of the Treaty of 1824 between Russia and the United States had expired.

The correspondence respecting the renewal of the ten years' privilege and the claim of the *Loriot* for indemnity, which will be found in Senate Ex. Doc. 1, 25th Congress, 3rd. Session and reprinted in Senate Ex. Doc. 106, 50th Congress, 2nd Session, was concluded in 1838 by a declination to renew the ten years' privilege and by a denial of all responsibility for damages on account of the *Loriot*.

NOTICE ISSUED BY THE UNITED STATES GOVERNMENT IN 1845.

[Published in Fur Seal Arbitration Papers, Congressional edition, Vol. 2, Appendix Vol. I, Case of the United States, p. 91.]

UNITED STATES OF AMERICA.

DEPARTMENT OF STATE.

To all whom these presents shall come, greeting:

I certify that a notice, of which the annexed is a copy, was, at the direction of this Department, published on the 26th day of September, 1845, in the Daily Union newspaper of the city of Washington.

In testimony whereof, I, John W. Foster, Secretary of State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

Done at the city of Washington this 1st day of August, A. D. 1892, and of the Independence of the United States of America the one hundred and seventeenth.

[SEAL] JOHN W. FOSTER.

DEPARTMENT OF STATE,
Washington, September 26, 1845.

The Russian Minister at Washington has informed the Secretary of State that the Imperial Government, desirous of affording official protection to the Russian territories in North America against the infractions of foreign vessels, has authorized cruisers to be established for this purpose along the coast by the Russian-American Company. It is, therefore, recommended to American vessels to be careful not to violate the existing treaty between the two countries, by resorting to any point upon the Russian American coast where there is a Russian establishment, without the permission of the governor or commander, nor to frequent the interior seas, gulfs, harbors, and creeks upon that coast at any point north of the latitude of 54° 40′.

PAPERS RELATING TO RUSSIAN OCCUPATION UP TO THE CESSION TO THE UNITED STATES IN 1867.

Memoranda on Russian Marine Map on file in the Hydrographic Department of the Ministry of Marine at St. Petersburg.

[Translation.]

MINISTRY OF MARINE.
Hydrographic Department.
No. 2629/2223.

MARINE MAP.

Marine map of the northeastern part of Asia and northwestern part of America, from the port of Okotsk to Kotka, including the western part of America, from Cape Alais till Cape Chiricov, discovered and annexed to the Russian Empire by the notable citizen Gregory Schelikov in the years of our Lord 1782 and 1788. The most important places are shown minutely under different numbers at the end of this map.

BRIEF CONTENTS RELATING TO THE ANNEXION OF AMERICAN LANDS.

Gregory Schelikov like other Russians had often been sailing from Okhotsk to the Aleut Islands, and backwards, returning with cargoes of furs. In the year 1782 he was the first who had the boldness, without landing at the isles Aleut, to sail further towards the East, hoping to find some unknown lands and tribes, and to obtain benefit by making exchanges of goods. Continuing his way passing by Alais, he perceived before him firm land, entered its bay and named it "bay of the Tri Sviatitelia" (three saints). There he learnt that this land is a large island with some other smaller ones, named Kikhtan (no 1) that it lies not far from the mainland of America, and that the inhabitants of this island and of the mainland coast are called Keniagui; that they are subjected to nobody, having no king or chief, but are ruled only by the eldest of their families, who assemble on great occasions and hold councils. He exchanged his wares for furs, treated the natives very friendly, honoring their eldest with little presents, consisting in colored glass beads, and brought the whole tribe—about 30,000 in number—into the subjection of Russia; and, as this tribe was at this time at war with neighboring tribes called Kenites and Choochachees, he (Schelikov) caused them to make peace and be friends, and made presents to all that were present at the peace-making feast, the presents consisting in glass-beads and cheap sundries; and then he brought also the Kenites and the Choochachees into Russian subjection. All these tribes showed great respect and unlimited obedience to their pacifica-

tor, and he was much pleased by that and remained over winter; and in order to make them more firm in their devotion to Russia, he founded a school for the native's children, causing them to learn Russian scripture, arithmetics and music, appointing to that purpose part of his own property. After that he discovered in the north-eastern corner of Kikhtan, in St. Paul's bay, a very good harbour (No. 2).

In the year 1788 on May the 1st, Schelikov taking with him stores of various wares useful to the natives sailed from the island Kikhtan, on board his galiot, to the main-land of America. On May the 9th he entered a harbor situated between the island Khlipakhlin and the main-land (No. 3), and held exchange trade paying for a beaver skin nine threads of blue beads and three small golden balls, and for beaver tails and otter skins paid five golden balls each. Afterwards he dug, on the island Kiluwat lying in the midst of the strait, a hole in the ground, and put there a copper plank with the inscription on it: "Land of the Russian Crown."

On May the 21st he came to the islands Tkhalkha, entered a harbour and named it "Sts. Constantin and Helena harbour" (No. 4); there also he held trade, exchanged sundries for furs, and also hid on that spot, in the ground, a copper plate with a similar inscription.

On June the 1st, sailing to the isle Kaian, near the main-land, he learnt from the natives that the mainland is inhabited by a tribe, called Ugalakhmutes, neighbouring to the west with the tribe Choochachees, to the east with the Kolajees. The mainland coast is of middling height and at a far distance high hills are seen, one of them being higher than the others, which one is the very mount St. Elias (No. 5).

On June the 8th continuing his way to the South east, he saw a bay; sailing thereto he perceived a band of natives, rowing towards his galiot, in four boats (baidaries), adorned with beaver-skins hanging on posts; with the help of these natives—the wind having fallen—Schelikov could enter the bay, dragging the galiot by tow, and laid her on anchor The natives were clad in beaver, sables, martens-glutton and badger skins. There Schelikov learnt that this bay is called Yakutat (No. 6) and the tribe living in that part of the main-land is called Kolujees; they obey to a chief, named toune-ilkhan (meaning the eldest or ruler); he is living near a large river, called Chilcate, southwards from the bay Ltua; this tribe is neighboring to the south with the tribe Ugalaitzy. Schelikov held trade there till the 12th of June on which day came the toune-ilkhan, in several boats, with 170 men, of which many had white faces and light hair; which led to suppose that they were descendants of the pilot Dementiew and twelve men of the crew, left on shore by the captain Chiricov, an D. 1741. The said Toune was received very friendly, entertained, presents were given to him, and, after some conversation, he consented, with his eldests to become subjected to the Russian Crown; on which decision he was presented with the insign in copper of the Russian double headed eagle, to be worn on the breast.

On June the 16th, the toune came again, wearing the Russian insign sown on his beaver mantle. He had brought with him his artist, and asked permission to take exact copies from the portraits of the Imperial Family, which were hanging on the cabin-walls; and this desire of the toune was satisfied by the said portraits being given to him; which present he accepted with great joy, the same being displayed, as usual

there, by means of loud shrieks and great clamours; after which, in token of his fidelity, he offered an iron paw, or clutch like that of a raven, which is held sacred by these Kolujees, as an idol.

On June 18th, a copper plate was dug into the ground, bearing the mentioned inscription. The exchange was carried on till June the 21st on which day the galliot sailed off, the Kolujees following, asking with great insistence to come next summer and do trade with them.

On June the 21st the voyage continued towards South-east. On July the 3rd entering a bay, Schelikov learnt from the natives coming to do business that it is named bay Ltua, and the tribe living there Kolujees; from this bay southwards till cape Chiricov where the pilot Dementiew with several sailors had been left on shore, the distance is 78 versts; this cape—as shown by Russian and newest French maps, drawn according to the travels of Cook, de Lapeyrouse, Dawson and Mear—lies on the 56° of northern latitude. On July the 9th came with several boats a toune-taikoon-tekhtuial, subject of the toune-ilkhan, and was also received very friendly and entertained; presents were given to him and he was brought to acknowledge his subjection to the Russian Crown. Among other sundries he received the ensign made in copper of the Russian eagle to be worn on the breast. Trade was carried on till July the 5th, and on that day a copper plate was again put into the ground. On July 9th the return voyage began sailing back to island Nykhtan; where they arrived on July the 15th.

On examining the stock of furs obtained by way of exchange, Schelikov found that its value amounted to half a million of roubles, and was astonished not so much at the great benefit obtained, as at the subjection to the Russian Crown of so many tribes, by such easy and simple means. On sound reflection he understood that all that occurred so by God's will, deigning to favor the elevation of Russia to glory, because every where Russia's name has been pronounced, there the populations with eager readiness obeyed and recognized subjection.

In the year 1794 Schelikov received by Imperial order the grant of an archimandrite with clergy and ten families of peasants appointed to settle on the mainland of America (No. 7) and on the 18th Kurile Island (No. 8); these for the beginning were forwarded at his Schelikov's charge to the island Kikhtan and settled near St. Paul's harbour (No. 2), where a fortress, a church and houses were built. Now, more than 7000 Koniaguis and a great number of Kenaitzy and Choochachees are converted to the Christian faith.

In the year 1795 on June the 20th, Schelikov died, leaving the business founded by him to be continued by his heirs.

Particulars concerning the composition of this map in the year 1795; the north eastern part of Asia, with the Kamchatka, the Aleut islands and the Kuriles islands, was drawn from Russian maps; the north western part of America from cape Alais till the Arctic Ocean—from a map of Mr. Kuhn; from cape Alais till the gulf Ltua—from Schelikov's maps; from gulf Ltua till cape Chiricov—from Russian and newest French maps; from cape Chiricov till Kotka, drawn from the same French maps.

Voyage of Ismailof.

[From Account of the Russian Discoveries, by William Coxe, London, 1803.]

Period III. Chap. 3.

Quit Prince William's Sound—Steer to the Island Atchaka, or Vancouver's Middleton's Island—Kill a Chief who attempted to assassinate one of the Russians—Sail to Koiack or Kaye's Island—Description—Proceed along the American Coast—Visited by the Natives—Anchor in the Bay of Yakutat, or Port Mulgrave—Description of the Dwellings, Manners, &c. of the Inhabitants—Visited by the Chief Ilchack.

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By these efforts the galliot was drawn into the bay[a] and from thence into a small harbour which lies on the eastern side. Here we anchored not far from the shore in ten fathoms on a sandy bottom, opposite to some habitations of the natives. But as this situation was not judged sufficiently safe, we towed the ship into an adjacent harbour smaller, but more secure, called in the language of the country Yakutat; on the 12th at four on the morning, we anchored in twelve fathom on a muddy bottom.

During our stay in these parts we carried on a friendly traffic with the natives. Their scattered habitations are square, the outside made of earth, and the inside of wood; the top is covered with the bark of firs, and provided with square openings in the midst of the roof, which serves the purpose of a chimney. The wooden part is made by driving into the ground four poles of about two arshines in height, to which cross-beams are fixed. The roof is sloping and formed of planks, resting on the cross beams, which meet in the square opening. The entrance is on the side, and instead of a door is covered with mats twisted from grass and other materials.

The greater part of the inhabitants had quitted their winter huts, and for the purpose of procuring provisions, were gone out in canoes and boats, which resemble those used at Kamtchatka. These people bear the name of Koliuski, and fix their dwellings on the banks of the different rivers. Besides an inferior Toion, they are all subject to a superior Toion, who is called Ilchak. We were informed by the natives that this Toion, with one hundred and fifty of his subjects, exclusive of children, visited this place in baidars. He has two sons, whose names are Nekchut and Chink, and his principal residence is on the coast to the south east, much farther than the great river Tschitiskat. It borders on the frontiers of the people called Tfchitskanes, who, like the Koliuski, are at enmity among themselves, and often assault each other. This Toion rules over all the Koliuski, who inhabit the coast, as far as the bay of Yakutat, which is the last place in his dominions. This bay is frozen later than the end of July. According to information from the natives, it receives two considerable rivers; and at the departure of the ice is frequented by many sorts of fish.

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[a] The outward bay seems to be Dixon's Admiralty Bay, and Vancouver's Beering's Bay; the inner harbour, or the bay of Yakutat, Port Mulgrave. La Pérouse calls it Baye de Monti. Vancouver mentions that a party of Russians, with nine hundred natives of Kadiak and Cook's Inlet, had extended their excursions to Port Mulgrave. Vol. 3, p. 206.

The islands and shores of the bay abound in the same trees as are to be found near that river whose mouth was frozen, and which we before visited.

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On the 15th of June, Ilchak the Toion of the Koliuski, came to the ship, in company with a native artist, who painted according to their fashion, on wooden planks and other materials. Being admitted into the cabin he was much struck with some portraits, and requested a particular description of the persons whom they represented. Although we had already given the Toion and his subjects an account of these august personages, we again gratified his wishes. "One of these is, the portrait," we said, "of her Imperial Majesty, the all-gracious, and all-powerful Sovereign of the great Russian Empire. The other represents the Great Duke, her successor in the Russian throne, and his wife, the Great Duchess. The remainder are the resemblances of the Great Dukes and Lords, their descendants. Numerous people who inhabit the vast extent of the Russian Empire submit to the power of these illustrious personages." The Toion heard this explanation with veneration and astonishment, and we strengthened this impression by adding, "the Russian monarch and her successor are extremely gracious, and diffuse in their blessings among innumerable people. They also pay indefatigable attention to the welfare of all those nations who border on the Russian Empire, and have no protector; employing all possible means to preserve them in content, peace, and security. The Russian protection extends even to this district, to such a degree that no strangers would venture to give the smallest molestation to so favoured a spot." As a still further proof that all this part of the American continent and islands enjoyed the protection of the Russian Empire, one of the copper coats of arms was produced, and after a suitable compliment delivered to the Toion. He was requested to wear it upon the fore-part of his garment, as it would serve as a mark of fidelity, and protect his subjects against all foreign ships.

The Toion having listened with attention to these representations, received the coat of arms with extreme joy, and returned to his habitation.

On the 16th the Toion paid another visit to the ship, in company with two elders; he wore on his sea-otter mantle the coat of arms fastened with red serge, which he had before received from us. After many compliments he earnestly entreated that in memorial of the great successor to the Imperial throne, he might be gratified with one of the portraits which he had seen in the cabin, and as there happened to be on board two engravings of the Great Duke, one of them was delivered to him, with this inscription in the Russian and German languages: "His Imperial Highness Paul Petrovitch, successor to the throne of all the Russias," and "Sovereign of the Dutchy of Holstein." Above was also written:

In June, 1788, the Factor of the company of Golikof and Schelekof, the pilots Geraffin Ismaelof, and Dimitri Betscharof, of the galliot, the Holy Fathers, with forty men, being in the bay of Yakutat, carried on a considerable traffic with the Toion Ilchack and his subjects the Koliuski, and finally received them under the protection of the Russian Empire. As a memorial of these events, we gave the said Toion a Russian coat of arms, on copper, and this engraving of his Imperial Highness the successor to the Russian throne. Orders are hereby given to all Russian and foreign ships sailing to this place, to treat this Toion with cordiality and friendship, without omitting the necessary precautions: the said pilots who anchored here in the galliot from the 11th to the 21st of June, experienced from the Toion and his people, the most friendly behavior.

After writing this inscription, the portrait was delivered to the Toion, who received it with extreme satisfaction, and as customary, with an extatic shriek. As a proof of his subjection to Russia he gave on his part an iron image of a crow's head, which he considered as sacred; a bag wove from grass, and striped with various colours; six sea-otter shirts, also a leathern and wooden table which were painted with divers colors, and inlaid with stones. After remaining a considerable time on board, the Toion and the elders returned on shore.

On the 18th of June the Russians landed and buried another copper-plate in a place which was accurately specified; and as from the information of the natives the place abounded in fish, they remained on the place to the 21st, to lay in a stock of fresh provisions.

The Tlinkit Indians.

[Historical review by Dr. Aurel Krause, Jena, 1885.]

[Translation.]

[Page 39.] Forming of a company in 1781 by Gregor Schelechow and Ivan Golikow with the avowed purpose of reviving the fur trade. Equipping of three vessels at Ochotsk where the former embarked for the coast of America and took possession of Kadiak Island. Ukase of Empress Catharine in 1788 guaranteeing protection to the company and a second ukase in 1790 remitted the annual tribute which the natives have been paying.

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In 1790 Alexander Baranow, a merchant of Kargopol, went to Kadiak to continue the exertions of his friend Schelechow, succeeded by his wonderful activity and soon came in contact with the Tlinkit or Kaloshes, as the Russians call them. Prior to this the Greek Delarow, manager of Schelechow's Company, had sent out two men, Ismailow and Botocharow to explore the American Coast and bring the natives under Russian rule. On Yakutat Bay they found Chief Ilchak who belonged at the great river Tschilkat, but who had come to the bay with a number of his tribe for the purpose of trading. As a token of his submission the Russians bestowed on Ilchak a copper Russian coat of arms and a likeness of the heir to the throne which bore the inscription in Russian and German:

In the year 1788 in the month of June the seafaring men of the Galikof and Schelechof company, Ismailof and Dmitrii Botcharof happened to be on board their vessel with a crew of 40 men in the bay of Yakutat where the inhabitants have a different religious creed, and where the Russians had loving and friendly social intercourse with the native chief Ilchak and the Kolosh people that owe him allegiance, and the Russians had considerable commercial dealings with them and at last induced them to come under the protection of the Russian throne as a token and in commemoration of which they bestowed upon said chieftain a copper Russian coat of arms and this copper print representing His Imperial Highness the heir to the Russian throne. Therefore all who may come here in Russian or foreign ships are admonished to treat this Chief Ilchak lovingly and amicably, using precautions which every one has need of—said seafaring men who were here in their vessel from June 11 to 21, observed no sign of mischievous conduct on the part of the chief and his people and went safely to sea again.

On their exploring the country, the Russians arrived at the Rivers Antlin, Kalcho, Altsech and Kakanin names which they learned from Kolsoch boys that were with them and landed finally in the Bay of Litaja. The chief who ruled here, likewise received a Russian coat of arms and as a token of Russian sovereignty over the country a copper plate was set into the ground.

Baranow himself first met with the Tlinkit in 1793. He with a few followers and a small number of Alentians had gone in leather canoes to the Tchugatschian Bay in order to become acquainted with the natives, when he was attacked by Yakutat Koloshes who were on the march against the Tschugatsch Indians for the purpose of making war on them. The Yakutat in the darkness of the night had no idea of the presence of Russians—Before the combat was ended each side had lost heavily.

In 1795 Baranow sailed in the ship "Olga" to Yakutat Bay, established amicable relations with the natives, and with great eclat planted the Russian flag on the shore and then continued on to Tschilkat Bay with 30 men where he in every possible place had crosses erected with the inscription: "This Land is Russian Territory".

In 1796 Baranow repaired again to Yakutat Bay and during a two months sojourn founded a Russian colony which he named "New Russia". The most eminent of the native chiefs paid Baranow a visit and offered as hostage some of his own children and other relatives.

Schelechow's death occurred in 1795. The Russian American Co. was accorded extensive privileges by ukase of Emperor Paul, for 20 years, including the entire coast north of the 55th degree of N. latitude. Baranow remained Director of the Colonies &c. for 30 years.

The Tlinkit Indians during the winter of 1804 had lived scattered, but they united again and built a new fort on Chatham Strait opposite Chutsinn. On invitation from Baranow the Tlinkit sent envoys and concluded a treaty of peace.

Langsdorff, a traveler, accompained by an American trader named Wolf, visited the new Tlinkit settlement on Chatham Strait in 1805, and found the place and fort inhabited by about 1400 natives.

Baranow was succeeded in 1818 by Capt. Hagemeister as Governor. His successor was Muraview from 1821 to 1826. Under his administration an important measure was inaugurated by which the relations between Russians and Tlinkit Indians were materially improved.

As many as a thousand of them were allowed to settle with their families and property close to the Russian settlements. This gave the Russians better control over all the Indian tribes. (See Lütke, Voyage autour du monde I, 112.)

[Page 66.] Renting of territory at the mouth of the Stakhine River to the Hudson Bay Co. for 10 years from June, 1840 in consideration of the annual rent of 2000 Columbian Otters—Renewal for 10 years in 1849.

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From 1840 to 1845 Etolin was director of the colonies. He instituted a measure which largely contributed towards bringing about more friendly relations between the Russians and the natives. In 1841 he invited the natives to a fair at New Archangel where the guests were hospitably feasted and banqueted. After the affair had been announced in all adjoining settlements of the natives, about 500 of the most distinguished Tlinkit gathered in a building which had been

erected for that purpose near the fort. The Government issued a decree for the repetition of these fairs from time to time.

In 1841 and 1842 George Simpson made a tour of inspection through the territory of the Hudson Bay Co., on which occasion he also paid a visit in company with Mr. Freimann, of the Russian American Co., to the Russian Possessions in America. Simpson journeyed through Canada over land to Fort Vancouver on the Columbia River, where he embarked for the North in a long boat propelled by steam (steam launch) in order to investigate the condition of the different posts along the shores, particularly the recently established Forts Stikine and Taco on the strip of coast rented to the English by the Russian American Co. After a lengthy visit to Sitka on two different occasions Simpson returned to Europe by way of Siberia. His book furnishes a good deal of information regarding the natives of British Columbia, as well as in regard to the Tlinkit, Sitka, Stakhin, and Taku Indians, which are very interesting.

In order to bring about a closer union between the Tlinkit and the Russians, there was created in 1842, under Etolin's administration, the dignity of a supreme chief of the Kolosches. In accordance with a proposition of the colonial council a baptized Tlinkit, named Michael Kuchkan, was invested with the office. He belonged to a distinguished Tlinkit family. In 1862 a supreme chief was also appointed at Stakhin by the colonial council.

From 1845 to 1850 Tebenkow was governor of the colonies. Etolin, it seems, failed to continue in his efforts to establish friendly relations and intercourse with the Tlinkit, and it is reported that his successor, Rosenberg, governor from 1851 to 1853, from excessive anxiety of complications, entirely broke off all intercourse. The evil consequences of this policy were inevitable. In 1852 forty Stakhin Indians who had gone among the Sitkas in order to conclude peace with them, were treacherously murdered by the latter, right in sight of the Russians who did not stir to prevent the cowardly deed. In retaliation, the Stakhins, to gratify their vindictiveness, destroyed the hospital which had been erected by the Russians at the sulphur springs. In 1855, still greater excesses were committed, in the administration of Wojewodskow. When a sentinel refused to allow the Tlinkit Indians to remove some fire wood which was intended for the company, they attacked him with dirk knoves and severely wounder him. The demand of the chief for the Tlinkit to surrender the guilty persons remained unheeded and was responded to by threats from the natives. Even two cannon shots fired along the shore by order of Wojewodskow were of no avail. A multitude of armed Tlinkit moved against the stockades and threatened to destroy them. A shot was fired and a Russian was wounded. Wojewodskow now ordered that the aggressors be fired on. Even this did no good. The Tlinkit held their own; some attempted to invade the harbor, others seized the wooden church which had been erected for divine service in the language of the natives outside of the stockades, and began to fire out of the windows of the church. After a two hours hard fight, having suffered some losses, they gave up the battle and agreed to give hostages. Their loss is said to have aggregated 60 in dead and wounded, while the Russians had two dead and 19 wounded. The combat, however, had demonstrated to the Tlinkit the superiority of the Russians and after that they showed a more peaceable demeanor.

[Page 332.] As a proof of the constantly increasing influence of the

Russians over the Stakhin Indians it is cited that one of their chiefs, Kuatche, who in 1837 had sentenced to death one of his slaves, listened to Russian suasion and pardoned the slave. For this act the emperor, on recommendation of the Governor, presented the chief with a gold embroidered caftan and a fur cap. Subsequently many more slaves intended for sacrifice, were ransomed by the Russians, in which transactions the Tlinkit who cared only for gain, made good bargains.

Christianizing efforts among the *Stakhins* and other tribes of the Koloshes by Ivan Weniaminow and Litwinzow who up to the year 1860 baptized 447 Tlinkit—Weniaminow was appointed bishop under the name of Innocenz. From 1840 he established schools and a seminary for creoles and Tlinkit, all of which were connected with churches and chapels. Schools were also erected for the officials and servants of the Company and these were maintained at the expense of the colonial government. The last of these schools, the best students in which were sent at the Company's expense to St. Petersburg for manual training, was established in 1860. The flourishing condition of all these schools which was very promising, received a complete check in 1867 when Alaska passed into the possession of the United States.

Governor Simpson to the Manager of the Russian American Company.

COLUMBIA RIVER, FORT VANCOUVER, *March 20, 1829.*

To His Excellency the Manager of the Russian-American Company in Archangelsk, or in case of his absence to his representative..

The bearer, Mr. Simpson, Lieutenant in Her Britannic Majesty's Navy, General Manager of the Hudson's Bay Company on this coast, being now on his way northwards to inspect the harbour of Nass, where we intend to found next year an office for the promotion of commercial relations with the natives, has also been directed to visit the principal establishment of the Russian American Company at Novo-Archangel in order, with your aid, to enter into such relations with this Company as may, I trust, be in the future of benefit to both Companies. (2) The Chartered Company, whose representative I have the honor to be, is certainly known to you by reputation and by the extent of its business. In order to give you an idea of its importance I deem it necessary to acquaint you with the field of its operations extending in North-America from St. Laurence Bay to the mouth of the Mackenzie River, which flows into the Arctic Ocean and from the Atlantic to the Pacific Oceans. (3) Up to the present time our attention on this side of the continent has been directed to matters relating to the interior lands, but now we have in view the extension of our commerce to the coast and the establishment of a house near the northern frontier. This will greatly increase the opportunities for communication between us and, I hope, will consolidate the friendly relations which we have so long wished for. Our desire is to enter into such relations, as will tend to our mutual benefit and we, for our part will do all we can to suppress all attempts at unfair rivalry and competition, which are always dangerous to both parties. (4) We know that the guarding of the coast constitutes a service due to the fierceness of the natives; but the strict fulfilment of the articles of the Treaty of February 28, 1825, concluded between the two Courts, in regard to the sale of arms, ammunition and

spirits and concerning the defensive measures to be taken by us during the existence of the understanding between the two Companies, will, in my opinion, make our relations with these natives less dangerous than before and give the Russian-American, as well as the Hudson's Bay Company, an opportunity of carrying on their affairs with less expense, than in case these wise measures be not taken. (5) For the conveyance of the goods from England to the colonies one and sometimes two ships are necessary and we receive our supplies from the manufacturers direct on the most advantageous conditions. It having come to our knowledge that you have no regular and direct communication, and thinking that perhaps at times you may want some English goods, we are ready to furnish you annually with from 50 to 100 tons or as much more as may be necessary, upon receiving a moderate guarantee deposit for the first expenses and we will be satisfied with a small profit. We, on our side, are willing to take furs at saving price, paying for them either in bills of exchange drawn on St. Petersburg or London, or in cash, as may be the most convenient to you, or as we may arrange later. (6) We also agree to furnish annually from 4000 to 5000 bushels of all kinds of cereals and in case you should want them from 8000 to 10,000 hams and salt meats for a certain number of years at a fair price. (7) Lieutenant Simpson will give you the description of goods which we order and, should they prove not suitable for your use, you have only to send us samples and exact descriptions of all the goods you desire, mentioning the price and the mode of payment you offer. We, for our part, will not leave you in ignorance as to next year, if we agree to your offers. (8) Mr. McLoughlin, head factor and chief resident-Manager of the Hudson's Bay Company on the western coast of the continent will be much pleased to receive your reply to this communication, because I intend to leave for Europe in a short time. However, as chief representative of the Hudson's Bay Company, I guarantee that whatever contracts and arrangements you may make with the aforementioned gentleman or with Lieutenant Simpson, I am ready to confirm and carry out. (9) In conclusion let me express a sincere wish that there should exist between the Russian-American and the Hudson's Bay Company the same good understanding as between our two Governments and assure you that we shall endeavor to be of use to everyone connected with your Company who is likely to visit us.

Commending Lieutenant Simpson to your good offices I have the honor of remaining, Sir, your most obedient and humble servant.

GEORGE SIMPSON,
Governor of Rupert Land.

Hudson's Bay Company to Russian American Company.

HUDSON'S BAY HOUSE,
London, December 16th, 1829.

GENTLEMEN: I am authorized by the Manager and the Directors of the Hudson's Bay Company to transmit to you a copy of a letter, dated Columbia River, March 20th of last year from Mr. Simpson Chief Manager of the Company in North America, to the Chief Manager of your affairs in Novo-Archangel on the North-western coast of

America and I am also authorized to inform you that the Manager as well as the Directors, express full consent and entire confirmation of the offers made in this letter. From information obtained by the said Mr. Simpson, who is now staying in London, during his recent visit to the Pacific coast, it is quite clear that not only the Russian-American Company, but also the Hudson's Bay Company suffer material damage from the sale by American manufacturers of arms and ammunition to the inhabitants of the North-western coast. For this reason our commercial relations with the natives are endangered, this is very harmful because of the heavy expense necessitated in keeping a large number of men to watch over our stores, houses and hunting ground. On the other hand, if the sale of arms and ammunition were stopped, commerce being free from this danger would prosper and become profitable for the Russian-American Company, as well as the Hudson's Bay Company. To this purpose, the Manager and Directors express a desire that an understanding may be reached by the two companies for their mutual benefit and they do not doubt that you will consent to their offer and that your help in taking such measures as will tend to reduce to a minimum the danger to which both Companies are now exposed.

It is also known to the Manager and to the Directors that the purchase from Americans of English products for your Company is very considerable and for this reason they instruct me, in order that you may be freed from such *a heavy expense*, to announce to you their readiness of supplying you annually at cost price, regardless of profit, with whatever quantity of English products you may need.

The advantage ensuing to the Russian-American Company from accepting this proposal is so evident, that the Manager and Directors are confident that you will give your early attention to this subject and they instruct me to inform you that they will consider it a pleasure to have relations with you hereafter because they are convinced of the possibility of such united action as will certainly secure to both Companies a quiet prosecution and extension of trade, while the present state of things exposes the affairs of the Company to dangerous losses.

I have the honor, Gentlemen, to remain your most humble and obedient servant,

W. SMITH.

To the Chief Manager and the Directors of the Russian-American Company in St. Petersburg.

Director Severin to the Minister of Finance.

[Translation.]

The Board of Directors of the Russian-American Company. February 27th, 1830. No. 175.

EXCELLENCY: The Board of Directors of the Russian-American Company has recently received a report from the well-known Hudson's Bay Company of England. This report refers to two subjects:

(1) The Hudson's Bay Company, wishing to establish a trading station on the British territory near our colonies, but fearing opposition from the savage and aggressive natives, invites the Russian-American

Company to join them in preventing the sale of fire-arms and to render mutual help at any time during attacks by the natives.

(2) Because of the difficulties which the Russian-American Company has encountered up to this time in providing its colonies with all supplies, the Hudson's Bay Company expresses its readiness to furnish all such supplies to the said colonies at reduced prices.

The Board of Directors presented this report for the consideration of the Council of the Russian-American Company who after having considered it, resolved, in their minutes dated February 25th last, as follows:

1st. In regard to the first subject to say to the Hudson's Bay Company that the Russian-American Company, guided by the Convention of February 28th, 1825, between Russia and Great Britain has strenuously forbidden the sale of fire-arms and spirits by the Colonial authorities to the natives and will most strictly maintain this rule. The Hudson's Bay Company is requested to issue a similar order on their side. As to the last subject the Board of Directors of the Russian-American Company acknowledges with many thanks the offer of the Hudson's Bay Company and will permit itself to consider the matter further and to give the Hudson's Bay Company a decisive answer later.

2. To present copies of the Hudson's Bay Company's report and of the same journal of the Council to Your Excellency on account of the importance of the subject and also because the first part of the Hudson's Bay Company's report refers particularly to the management of the Colonies.

Accordingly, the Board of Directors of the Russian-American Company has the honor to present the said documents for Your Excellency's consideration.

ANDREW SEVERIN,
Director.

To His Excellency Count EGOR FRANZOVITCH KANKREEN,
Minister of Finance, etc.

Manager Drujinin to Ministry of Finance.

[Translation.]

Ministry of Finance. Department of Trade and Manufacture. Sect 2. Table 2. March 5th, 1830.

Relative to the proposal of the Hudson's Bay Company to enter into relations with the Russian-American Company.

The Board of Directors of the Russian-American Company reports to Your Excellency:

1. That the well known Hudson's Bay Company, wishing to establish a trading station on English territory, near the Russian colonies, but fearing the wild and warlike natives, has invited the Russian-American Company to join it in its efforts to prevent the sale of fire-arms and in common defense against the natives.

2. On account of the difficulty which the Russian-American Company has encountered up to this time in providing its colonies with necessities, the Hudson's Bay Company expresses its readiness to supply all such necessities to the said colonies at reduced prices.

3. The Council of the Russian-American Company, to which the Board of Directors presented the report for discussion has resolved in its minutes, dated February 25th last: (A) In regard to the first subject of the Hudson's Bay Company, to say that, in accordance with the Convention of February 28, 1825 between Russia and England, the Russian-American Company has strenuously forbidden the sale of fire-arms, ammunition and spirits to the natives by the Colonial authorities and will most strictly maintain this rule. The Hudson's Bay Company is also requested to issue a similar order on their side. As to the last subject, the Board of Directors of the Russian-American Company acknowledged with many thanks the offer of the Hudson's Bay Company and permits itself to consider the subject further and to give the Hudson's Bay Company a decisive answer later; and (B) to present copies of the Hudson's Bay Company's report and of the same journal of the Council to Your Excellency, on account of the general importance of the subject and also because the first part of the Hudson's Bay Company's report refers particularly to the management of the Colonies.

From the copies of the Hudson's Bay Company's reports, presented by the Board of Directors to the General Manager of the Russian-American Colonies in America, and from communication of the authorized representatives of this same Company to the Board of Directors of the Russian-American Company, it appears: 1. (a) The Hudson's Bay Company expresses its readiness to furnish annually to the Colonies of the Russian-American Company: from 50 to 100 tons, or as much more as may be necessary, of English goods at reduced prices, taking in payment therefor furs at saving prices, paying for them in bills of exchange or cash as may be arranged later, and (b) from 4000 to 5000 bushels of all kinds of cereals and from 8000 to 10000 hams and salt meats, for a certain number of years.

2. The authorized representatives of this same Company report to the Board of Directors of the Russian-American Company that the said Company expresses a readiness to furnish to the Russian-American Colonies the necessary quantity of English goods at cost price with the invoice, but not to make it a particular branch of trade.

Inquiry.—1. By virtue of the franchise granted by the Emperor to the Russian-American Company September 13 1821, the following facts are patent:

Section 31 establishes that all arrangements covering the management of the Company are entrusted to the Board of Directors, therefore it is obliged to have the welfare of the Company constantly in view, to look after the safety and well-being of its colonies, to safeguard and extend its credit; in a word not to let slip any of the benefits granted to it without ever overstepping the limits prescribed to the Company in its rules and franchise.

Section 35 establishes that the Company is obliged to justify in every possible way the trust imposed upon it; to keep in good condition the colonies handed over to it for its particular benefit; to avoid everything that could cause ruptures with the adjacent States, to have in view in all its undertakings, the general benefit of the mother-country and to observe strictly the limits prescribed to the Company in its franchise in rules.

Section 36 concerns the method of management. The Company reports directly to the Minister of Finance and in case of necessity he

makes comments upon the reports. If the Company does not feel inclined to consent to the Minister's suggestions he then informs His Imperial Majesty.

2. By virtue of Conventions concluded by Russia with the United States on April 5 17, 1824, and with England on February 16 28th, 1825, the subjects of these Governments are forbidden either to sell or to furnish in any way whatever spirits, firearms, weapons of any kind, gun-powder or any other kind of ammunition of war, to the inhabitants of the American Islands.

Conclusion.—The Department of Trade and Manufacture has the honor therefore of reporting to Your Excellency the above explanatory report of the Board of Directors of the Russian-American Company, concerning the proposal of the Hudson's Bay Company to enter into friendly relations with our Company.

J. DRUJININ,
Manager of the Department.
KOROSTOVZEFF,
Chief of Section.

Report of the Governor to the Board of Directors of the Russian American Company, May 6, 1832 (No. 133).

[Translation.]

I do not deem it superfluous to communicate to the Board of Directors the information collected by me with regard to the new settlement of the Hudson Bay Company in Observatory Inlet and of its operations in our neighborhood.

The above mentioned Company has taken a firm footing in the above cited Bay, in a locality named Naas; the establishment is in a good defensive position and the stores are filled with the necessary merchandise. The natives were won over by generous presents to the elders and their kind treatment of all. The Company's vessel put in last spring at Kaigany (Puerto Cordova) for the purpose of trading with the natives, where there were already two American ships. The Company's vessel, having goods of better quality than the Americans paid with the same number of blankets as these latter (i. e. one blanket per river beaver) and greatly injured the trade of its competitors, and, according to their own words, the Hudson Bay Company will surely soon crowd them out of the competition. Mr. Simpson (chief of the establishment on naval affairs), inspecting the straits situated to the north, had the intention of establishing a settlement last year in the Stikine territory (at the southern mouth of Prince Frederick Sound) up the river falling into this bay at such a distance from the sea as not to infringe upon the last convention concluded between Russia and Great Britain with regard to our frontiers. Although Mr. Simpson's sudden death temporarily put a stop to this intention, it is probable that it will not be for long and in a year or two the English will occupy a post there also undoubtedly in prejudice of our commercial relations with the Kolosh. For the excellent quality and abundance of the merchandise of the English constitute an attraction to the Kolosh which we have no means to compete with, and there is no doubt whatever that if the Board of Directors does not find means to supply

the colonies with merchandise of such quality and in such quantity as to be able to hold out against the Hudson Bay Company, this company will be in possession of the whole fur trade in northwestern America from Cross Sound or even from a more northern point to the south as far as the coast of California. The principal trade consists of river beavers of which about 10,000 skins are collected yearly. Consequently the company spends on the beavers alone, without counting surplus payments, about 10,000 blankets. I beg the Board of Directors to weigh the matter and instruct me accordingly. Must we and can we enter into competition with the Hudson's Bay Company? If I be allowed to express my opinion, I declare that the Russian American Company ought not to remain a suffering witness of the operations of the English, but should take measures to withstand them, a thing that can be attained only by supplying the colonies abundantly with the necessary merchandise; then it will be possible for us to visit the straits ourselves, for we must not come to the Kolosh empty handed if we do not wish to be a laughing stock to them by showing our poverty. I hope that I have relieved the Board of Directors from the difficult duty of sending grain to the colonies from Okhotsk by supplying the colonies for two years in advance, hoping to supply them in sufficient quantity in the future also; I consequently think that the Board of Directors will direct its efforts to the forwarding of larger quantities of merchandise. I again repeat what I have already said in another place that all the efforts of the Board of Directors to extend our trade can meet with no success whatever with the continual lack of merchandise existing at present, and (if I may so express it) our extreme avarice in paying with beads and tingle-tangle can never encourage the natives in their trade; their labors ought to be rewarded by articles of real utility such as clothing. It is true that the percentage of the profit will be less, but the quantity of the merchandise traded will be greater and instead of 5,000 beavers we will send out in time twice as many.

Report of the Governor to the Board of Directors of the Russian American Company, April 28, 1834 (No. 190).

[Translation.]

Having received a considerable supply of merchandise on the chartered vessel *Cornarvon* and the military transport *America* in the fall of 1832, I was enabled to enter into direct communication with the Kolosh of the neighboring straits, sending a vessel to their settlements and endeavoring to establish a settlement on an advantageous point for this trade.

Cruising in the straits is frought with difficulties in autumn and winter, therefore having awaited in the spring of 1833, the arrival of the Assistant Governor of the Colonies, Captain Etholine, from California, I detailed this officer to prepare the brig *Chichagoff* for crusing in the straits, to put it on a war footing, take merchandise on board, and to navigate over all the principal parts of our straits, to get acquainted with the localities, the inhabitants and the mode of trade with them and report to me on all these points.

The brig *Chichagoff* sailed on April 3 and returned by a new, yet untried route through Peril and Olga straits on May 26. Captain Etholine fulfilled the mission entrusted to him with his usual skill and foresight, laid the foundation of our present possession of the trade in the straits which was, so to say, monopolized by the citizens of the United States and the Hudson Bay Company. I enclose herewith the originals of his reports, as well as his memorandum of travel.

On account of the war waged between the inhabitants of Stachin with the Sitka and Chilkat Kukhantans, it was not easy to gain the confidence of this people; but the trade in river beavers in Stachin seemed sufficiently important for us to endeavor to get better acquainted with the inhabitants of those regions, in which Mr. Etholine fully succeeded and ascertained even their readiness to allow us to settle among them. Having found out that the British Hudson Bay Company intended to settle there likewise by invitation (according to the Convention the British have a right to settle at a distance of 30 Italian miles from the sea on the river Stachin and to navigate freely on the river), I decided not to lose time and immediately ordered the sending out of brig *Chichagoff* under command of Lieutenant Zarembo, after her return from an expedition in quest of islands, to Stachin, with the provision that the brig should remain there to winter and that the construction of a redoubt should be proceeded with, after obtaining permission from the natives.

In obedience to this order Lieutenant Zarembo left Novo-Archangelsk on August 28 and returned on March 8, having discovered a direct communication with Prince Frederick Sound, by means of which and the Olga strait the distance between Stachin and Novo-Archangelsk has been shortened so that brig *Chichagoff* made this route in 7 days, all stoppings and laying in wait for favorable winds and currents included. Mr. Zarembo fulfilled my expectations, rendered firm our friendly relations with the Stachins, founded the redoubt and brought back over one thousand furs of river beavers and otters not including others. I enclose herewith an extract from his report.

* * * * * * *

The unfinished buildings were left in the care of the toëns and as a proof of their friendship to us one toën and the son of another, the chief toën, arrived here on board the *Chichagoff*.

These guests were received by me in the best manner possible and will be taken to their homes on board the brig *Chichagoff* which will sail under command of Lieutenant Zarembo, to the straits and to Stachin in May for the purpose of completing the buildings, trading and awaiting to be relieved by schooner *Chilkat*, now in construction and which I intend to send under command of Second Lieutenant Kuznetsoff to trade in Chilkat and thence to Stachin where she will have to winter for the greater safety of the new redoubt.

* * * * * * *

Merchants from the United States did not visit the straits during the past winter and our only rival is the Hudson Bay Company. Fortunately for us they lacked merchandise in Naas, but this will soon be set right by extensive orders on the Sandwich Islands where the Governor of Columbia has sailed for the purpose of purchasing merchandise.

* * * * * * *

The greatest trouble I have now is the Hudson Bay Company which is allowed by the Convention to navigate freely on rivers falling into

the sea in our possessions, for it is the region neighboring upon the rivers which furnishes us with beavers and not the coast, and I beg of you that should any other convention be signed (the term of the old ones having expired) you should solicit that free navigation on the rivers should at least be limited by the condition that free navigation to the British from the interior to the sea should not be forbidden, while free navigation from the sea up the rivers should be prohibited. Of course it would be best not to allow any navigation whatever, though I think that it will not be possible to manage it. However, this circumstance will depend upon diplomatic transactions and until further instructions I will hinder the British by force from sailing up the Stachin river.

* * * * * * *

Report of Chief Trader P. S. Ogden of Transactions at Stikine, 1834

On the 18th June we came in sight of the Russian establishment on point Highfield, within a distance of 15 miles, when a Russian boarded us, and the officer not understanding the English or French language, we could only comprehend a few words of no import; he handed me a proclamation, signed by B^{on}. Wrangell (for its contents see Proclamation N. 1) and shortly after took his departure. About two hours after, as we were casting anchor, another Russian boat with a Russian officer boarded us, and by signs and with the assistance of an Indian interpreter gave us to understand, we must not cast anchor, but immediately depart. To this order I paid no attention. Having invited him down to the cabin, all I could comprehend from him was, that they were determined to use force against us and requesting me to write a note to the Commander (for its contents see No. 2). Having complied he took his departure. He had been scarcely gone an hour, when again a Russian officer in a baidarka boarded us. This gentleman also neither understood the French or English language, but was accompanied by a Spanish linguist, with the assistance of Surgeon Tolmix, we could understand that the purport of his visit was merely to repeat what the others had said.

June 19th at 6 a. m. the Russian officer who boarded us last night, again attended by his Spanish linguist, paid us a visit, the purport of which was to invite me to their establishment, informing me that an expres had been sent to Sitka and that we must not trade with the natives. To this I replied, that the treaty granted us the right of trade, and that some of the gentlemen would in the course of the day visit their establishment; he then took his departure. At 10 a. m. Surgeon Tolmix and Captain Duncan by my request proceeded to the Russian establishment and at 12 o'clock returned and reported as follows.

They found a Russian brig mounting 14 guns with a crew of 84 at anchor on front of their establishment, to which they were invited and Captain Sarembo the commander gave them to understand through the assistance of the Russian-Spanish linguist, that he would make use of the force he had against us, if we attempted to proceed up the river in our boats; he did not deny we had a right to erect an establishment in the interior of the English territory, but we had no right to navigate these streights and his orders were to prevent us with the force

he had under him and he would not deviate from them unless he received contrary instructions from Bon Wrangell. Shortly after their return, a Russian boat with a Spanish linguist arrived, and he informed me he was on his way to Sitka and requested to know if I would write? With this request I complied (see N. 3.); he said in 8 days he would again be here.

June 21st. I this day paid a visit to the Russian establishment and was politely received by Captain Sarembo, the Russian Commander. This gentleman understands a few words of English, and he gave me directly to understand, that if we attempted to proceed up the river in our boats, he would use force against us. I represented to him that the treaty between Great Britain and Russia gave us the right of navigation; to this he replied: "my instructions are to prevent you, and by these and not by the treaty shall I be guided." He then remarked: "in five days my express will be here from Sitka and I shall then have the decision of the Governor." We then separated.

June 22d. The Russian Commandant Captain Sarembo paid me a visit and with the assistance of a Swede we have on board, he again gave us directly to understand, that if we attempted to proceed up the river or trade with the natives, he would use force against us. His instructions were to that effect and that by the return of the boat from Sitka he would receive fresh instructions. He left with me by my request a written document in the Russian language, relative to the prohibitions he has imposed upon us (see N. 4 3). My situation now is becoming not only more unpleasant, but I find myself most critically situated and assuredly at a loss how to act. If I attempted to act conformably to the treaty, I am aware I should be justified, but I am firmly of opinion, from the determination to oppose us so invariably expressed by the Russians, that it would be attended with the loss of lives.

June 29th. This day the two Russian boats arrived from Sitka and I received an answer to my letter from C. Etoling (see N. 5 3) and shortly after I had an interview with Cap^{n}. Sarembo, who informed me he had not received any contrary instructions and was determined to prevent our proceeding up the river; he at the same time remarked, he regretted his instructions from B^{on} Wrangell were to that effect, but whatever the consequences might be, he was determined to enforce them; he then delivered to me document (N^{o} 6 3).

I have no alternative left, but to leave this quarter without making any further attempt and however galling it is to be obliged to yield under present circumstances, I cannot act otherwise without sacrificing lives, and I am firmly convinced after all would not succeed.

(Signed) PETER SKEENE OGDEN,
H. B. C^{o}.

[Inclosure No. 1.]

Governor of the Russian American Colonies, Port Captain of H. I. M.'s Navy, Baron Wrangel does hereby announce to Commanders of foreign ships that the Hon^{ble} Russian American Company's Brig "Tschitschagoff", captain Sarembo, and schooner "CheelKat", captain Coosnetsoff have orders to take their stations in the straits within the territories of Russia, that is to say northward of 54° 40′ latitude, where no foreign ship or vessel has now a right to trade with the Indians, by virtue of a sanctioned Convention, concluded between His Majesty the Emperor of

Russia and the President of the United States, as well as with His Majesty the King of Great Britain, which convention the Governor of the Colonies hopes will not be violated by any English or American vessel.

New Archangel Port Sitka Sound, May 15/27th 1834.

(Signed) BARON WRANGEL.

[Inclosure No. 2.]

STIKINE, *18th June, 1834.*

To the Superintendent of The Russian Establishment—Present.

SIR: The right of remaining here granted us by the Treaty of Commerce between Great Britain and Russia, we are determined to avail ourselves of and intend proceeding ten marine leagues inland to erect an establishment.

(Signed) PETER SKEEN OGDEN.

[Inclosure No. 3.]

STIKINE, *June 20th, 1834.*

To Governor WRANGEL,
Of the Russian Territories.

SIR: Your proclamation dated 15th May 1834 from Sitka, prohibiting British vessels from trading in these straits is now before me, and I have to remark that my instructions from the Governor of the Honorable Hudson's Bay Co., residing in Columbia River, are to trade and form an establishment ten marine leagues inland, in accordance with clause 2nd, art. 4 of Convention entered into between Great Britain and Russia; and in regard to art. 6th of said Convention "that the subjects of His Britannic Majesty, from whatever quarter they may arrive, whether from the Ocean or from the Interior of the continent shall forever enjoy the right of navigation freely and without any hindrance whatever, all the rivers and streams which in their course towards the Pacific Ocean, may cross the line of demarcation upon the line of coast described in art. 3. of said convention".

And in regard to art. 7, which does not expire before February 1835, I am as a British subject and Representative of the Hudson's Bay Co. and in accordance with my instructions, determined to avail myself of; and should any impediments be placed in my way contrary to said Convention, You, Sir, must hereafter be responsible for the consequences.

I have the honor to remain, etc.

(Signed) PETER SKEEN OGDEN.

[Inclosure No. 4.]

[Russian document, badly copied and undecipherable.]

[Inclosure No. 5.]

NORTH WEST COAST OF AMERICA,
New Archangel Post.

SIR: Having been informed by Lieutenant Sarembo, of the Imperial Russian Navy, commanding the Brig *Tschitschagoff* at present stationed at Stakine and belonging to the Russian-American Company, under the high protection of His Imperial Majesty, who, at the same time has just transmitted to me your letter addressed to the Governor of the Russian Colonies in America, Baron de Wrangel, that you intend entering the river Stakine, in order to establish a settlement in the interior of that country—I have the honor to inform you, Sir, that the Governor of the Colonies being at this moment, absent from the Port of New Archangel, I cannot give you any positive answer in the matter, and though by Art. 6 of the Convention concluded on the 28/16 of February 1825 between Their Majesties the Emperor of all the Russias and the King of Great Britain and Ireland, British subjects are allowed to enter the river Stakine, still in Article 2 of the same Convention, it is specifically stated that "the subjects of His Britannic Majesty, shall not land at any point where there is a Russian settlement without the permission of the Governor or Commandant, etc.;" and, as communications between British subjects and their pro-

jected settlement up the river Stakine must be made, now as well as in the future, across the place already occupied by us and situated within the limits of the Russian frontier, no permission can be granted for that purpose, unless it pleased you, Sir, before undertaking your project, (which besides, would be quite contrary to the interests of the Russian-American Company and would entail its evident loss) to have a personal conference with the Governor of the Colonies whose return to New Archangel is fixed for the end of the month of August.

In regard to Lieutenant Sarembo, Commandant of the ship stationed at Stakine and of our redoubt at that place, he is ordered to act exactly in the sense of Article II of the said Convention, which, we hope, will be likewise punctiliously observed by British subjects.

I have the honor to be, etc.

(Signed) A. ETOLINE,

Deputy Governor of the Russian Colonies in America.

26/14 June, 1834.

To Mr. PETER OGDEN,

Of the Honorable Company of Hudson Bay.

Letter of Captain Etholine to Lieutenant Zarembo, June 13, 1834.

[Translation.]

DEAR SIR, DYONISIUS THEODOROVICH: I had the pleasure of receiving this afternoon your letter of the 8th instant and tomorrow morning when the men you have sent will have rested a little, they will immediately start on their return trip with answers to your despatches. I congratulate you for the successful achievement of your work and your trade with the natives, but the arrival of the British will probably cause you many delays.

In any case I recommend strict compliance with the instructions given you by Baron Ferdinand Petrovich Wrangell, i. e. to impede with all your might the penetration of the British into the place already occupied by us, as according to article II of the Convention they are not allowed to stop at those places without the permission of the Governor or Commandant; however, I beg of you to see that you do not infringe article XI of the Convention. Should my letter and your protestations fail to convince Mr. Ogden and he still insists on penetrating into the river, do not even then employ force, but only announce to Mr. Ogden that he is breaking article II of the Convention and that article XI of the same Convention forbids you to employ force against him, and that for this reason his action will be brought to the knowledge of our Government and afterwards further to where it belongs, and that he, Mr. Ogden, takes too much upon himself if, in spite of our non-agreement, he decides to enter the mouth of the river Stachin, as this matter must certainly be decided by the Government or at least by the Governor of the Colonies.

Having no one else I am sending you Dalstrem as interpreter of the English language; although he is no professor of this language, still you will be able to make yourself understood by Mr. Ogden.

Your news with regard to the favorable attitude of the Stachins towards us and their sentiments with regard to the settlement of the British are somewhat comforting. They certainly have full right to prevent the British from settling up the Stachin river as it will take away all their trade from them and the advantages derived from it.

I will send tomorrow a courrier to the Commander of the schooner *Chilkat* Second Lieutenant Kuznetsof, with the order to hasten to

Stachin, principally for the purpose of bringing to you as fast as possible the interpreter Gedeon who is indispensable to you now for your transactions with the Kolosh.

* * * * * * *

Wishing you full success, with true respect and devotion I have the honor to remain, Sir, Your humble servant,

(S'g'd) A. ETHOLINE.

PORT NOVO-ARCHANGELSK, *June 13, 1834.*

Instruction of Captain Etholine to Commander of brig "Chichagoff," Lieutenant Zarembo, June 14, 1834 (No. 6).

[Translation.]

I have received your letter and report of the 8th instant and hasten to inform you with regard to the above, that, although according to article VI of the Convention, concluded on February 16 28, 1825, between their Majesties the Emperor of Russia and the King of Great Britain, we cannot prevent Mr. Ogden from sailing up the Stachin river for the purpose of establishing a settlement on the British frontier, as you have informed me in your letter, according to article II of the above mentioned Convention, the British are forbidden to anchor at points already occupied by us without the permission of the Governor or the Commandant, and I beg of you to act according to instructions by you received from the Governor of the Colonies, without, however, infringing upon article XI of the Convention. As regards the trade with the inhabitants of Stachin it is easy to understand that the British have no right whatever to carry it on because of our settlement there. I enclose herewith for your guidance a Russian translation of a French letter written by me to Mr. Ogden and which I request you to forward to him; at all events I have ordered the Commander of the schooner *Chilkat*, Second Lieutenant Kuznetsoff, to immediately hasten his arrival to Stachin where he will place himself at your disposal. With regard to his return to Novo-Archangelsk I beg of you to act according to instructions already received by you.

I am sending back to you the whaleboat you sent me and I found it advisable to send you a six-oared boat with six men to reinforce your command; they are under boatswain Dalstrem who can be useful to you in your transactions with the British.

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Chief Trader Ogden to John McLoughlin.

FORT VANCOUVER, *20th December, 1834.*

JOHN MCLOUGHLIN Esq^re^.

SIR: In conformity with your instructions dated Fort Vancouver 10th May 1834 addressed to me to proceed to Stikine river which discharges in Clarence's Straits, to erect an establishment on British territories, ten marine leagues from the ocean, as by the right granted to

British subjects in article 3 of convention between Great Britain and Russia. Having for this express purpose in fall 1833 with considerable expense ascended the Stikine river and formally taken possession of a spot suitable for erecting an establishment, I accordingly after considerable derangement of our affairs on the coast, attended with an enormous expense in goods and provisions and serious loss of time, collected a party of sixty-four servants and eight officers and reached Stikine River on the 18th June and I now beg leave to refer you to the enclosed documents for its not having been in my power to comply with your instructions.

I remain Your Obe't. humble Serv't.,
(Signed) PETER SKEEN OGDEN.

[For copies of enclosures see Nos. 1 to 5, Ogden's Report.]

John McLoughlin to the Governor, etc., of the Hudson's Bay Company.

FORT VANCOUVER,
COLUMBIA RIVER, *17th March, 1835.*

To the Governor, Deputy Governor and Committee of the Honorable Hudson's Bay Company.

HONORABLE SIR: On the 14th December Mr. Ogden arrived from the Northwest coast and I am sorry to inform you that the Russians have prevented Mr. Ogden forming the establishment you directed us to build on the bank of Stikine river, and for which he had selected and marked out a situation in 1833, as you will see by the accompanying copy of the correspondence between Mr. Ogden and the Russian officers Capt. Sarembo, Etoline and Baron Wrangell, N°. 1., and Mr. Ogden's journal. I will forward the originals for greater security by the way of York Factory, and I presume these documents will fully prove that our Rights have been violated by the Russian Authorities.

In statement herewith is a detailed account of the expenses incurred in preparing and attempting to erect this establishment and in making preparations to extend the company's trade, according to your instructions, in the British territory north of 54° and which expenses are now entirely lost to the company, by the unjust proceedings on the part of the Russians and Your Honors will perceive that the wages and expenses of keeping the men are calculated up to 1836 as they are under engagement, and I must also keep them until I have Your Honors instructions, which cannot reach me before that time and that I have limited myself entirely to charge only these with which we are acquainted here, and that there are other expenses which you are making in England for the purpose of extending the Trade (for instance the Steam boat mentioned in my last) which will be entirely lost if we are deprived of the right of extending the British Territory north of 54°.

There are other losses of which it is impossible to form an accurate estimate, such as the loss caused by my detaining the Eagle last fall later than you directed in consequence of the non-arrival of intelligence (as I already reported) from the coast, as Mr. Ogden would not have it, till he had seen Baron Wrangell, the Governor of the Russian

settlements on the N. W. coast, so as to avoid every misapprehension in the point in question.

The injury suffered by the derangement of the plans for extending the trade to the territory in question is very great in being excluded from it, while the Russians reap all the advantage from it, as you may depend that all the land fur traded at Stikine and three fourths of these collected by the American coasters and us come from the British territory north of 54°.

And last but not least the loss of character we suffer in the eyes of the Indians by being prevented by the Russians from erecting the establishment at Stikine, which we had told them in 1832 and 1833 that we would do and though the company suffers the injury, still it affects the national respectability in the eyes of these savages as they (without ever giving the least cause for it) consider us identified with our Govt., this supposition of theirs, I believe proceeds from the first British vessel they saw, being captain Vancouver's the celebrated navigator, and all the British vessels they have since seen, they consider them as Govt. vessels, and Your Honors may depend that it will now require double the number of men (to establish Stikine) that Mr. Ogden had; though I am well aware that your Honors do not require an estimate of that kind from me or such details, still as I am on the spot I consider it but right that I should point them out. The Dryad will return from the Island with the salt which Mr. Pelly omitted to send per the Eagle and if the timber does not offer a sufficient inducement to keep her in the country and to employ her in that branch of business, she will in this case on her return be sent to England.

I am, etc. JOHN MCLOUGHLIN.

Amount of expenses incurred by the Hudson's Bay Company in the attempt to erect an establishment on Stikine river on the North-West coast of America, for extending the trade in the interior of the country towards Mount Saint Elias and loss sustained by being prevented by the Russians from trading on the coast to the Northward 54° 40′ Lat., £22,150.10.11.

The Governor of the Russian American Company to the Commander of the schooner "Chilkat," Second Lieutenant Kuznetsoff, March 30, 1835 (No. 28).

[Translation.]

The mission of visiting the Kolosh straits entrusted last year to you you carried through to my great satisfaction and although it was not possible to obtain a large number of furs on account of the lateness of the season, the preliminary steps have been taken and we must continue what we have begun.

As it is of the greatest importance to gain time I recommend that you should sail at the first opportunity to the Dyonisius redoubt with as much speed as you are able; to land there the Stachin toën Sheksh, deliver the cargo for the redoubt and direct your course to the river Taku which you discovered last year. Trade there with the natives for river beavers and otters, paying them in merchandise at lower

rates than in Stachin or Sitka but at higher ones than they are paid by the neighboring Kolosh (Keku, Chilkat and others). I leave this undetermined requesting you to ascertain on the spot what rates should be fixed in order that the Taku Kolosh should find it more advantageous to sell their furs to us than to other Kolosh who sell them again to us at higher rates, keeping at the same time in view the interests of the Company by not increasing the rates more than necessary.

It is desirable that you should be able to find the Chilkat Kolosh in their summer places before they leave for hunting expeditions in the interior; consequently, finding that it is useless to stay longer at Taku sail for Chilkat and according to the promise given you last year trade furs with them remaining as long as you deem necessary at the gathering places. On your return trip stop at such settlements where you might find furs, also at Hootznoo and return to Novo Archangelsk endeavoring to reach it in June. I beg of you to declare to the Chilkat and Hootznoo elders, according to the conversation I had in your presence with toën Sheksh, that although he begged me that I should order you to take him to Chilkat and Hootznoo for interviews with the toëns there, I refused his request as I did not know if it would be agreeable to those toëns on account of the well known quarrel between them and the Stachins.

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Baron Wrangell to Board of Directors of the Russian American Company, April 30, 1835 (No. 134).

[Translation.]

In despatch No. 190 of last year I had the honor to forward a detailed report to the Board of Directors with regard to the cruise of brig *Chicagoff*, under command of the Assistant Manager of the Colonies, Capt. Etholine, in the spring of 1833, in the Kolosh Straits of our possessions for the preliminary investigation of the locality and condition of the trade there. The Board of Directors is aware that upon receiving the information forwarded by Capt. Etholine concerning the above localities, and the advantage which the Russian American Company might reap from the kindly disposition of the Stikine Kolosh toward us, inviting us to settle there, I did not fail to send out immediately in the autumn of the same year the brig *Chicagoff*, under command of Lieut. Zarembo, to winter there and to establish a settlement on the River Stikine within the Russian frontiers. This being the most important point of the straits for trade with the Kolosh.

I hastened the more to put this into execution as news had reached me that the Hudson Bay Co. had likewise the intention of settling there, as by the terms of the Convention, the British have the right to settle on the Stikine River at a distance of 30 Italian miles from the sea, and to freely navigate on this river.

The Board of Directors knows that Lieut. Zarembo returned from Stikine on March 8 of last year, and had succeeded in establishing during the winter friendly relations with the Stikine and neighboring Kolosh to erect with their consent a solid foundation for the redoubt, and had carried on a most successful trade. On May 17 of last year the brig *Chichagoff*, under command of Lieut. Zarembo, was again sent

by me to Stikine with a garrison and armament for the redoubt, and with instructions to complete the buildings, trading with the natives and waiting to be relieved by the schooner *Chilkat*, which, according to orders given by me, was sent on May 3 under command of 2nd. Lieut. Kuznetsoff, to the Straits, first for trading purposes, and then, upon her return to New Archangel, on August 6, to Stikine for the purpose of relieving the brig *Chichagoff*, with instructions to winter there, having the greater safety of the new redoubt in view.

Lieutenant Zarembo returned to New Archangel on September 12, and reported to me that during the summer he had succeeded in entirely completing all the principal buildings in the redoubt, surrounding it with a palisade, arming the watch houses, and, in general, placing this settlement in a condition of safety against attacks by the natives, and establishing trading relations with the inhabitants of Stikine. On August 26, after the completion of the most important work, the flag of the Russian American Company was hoisted with the regulation salute and by my orders the name of St. Dionysius was given to the new redoubt. Its garrison consists of twenty men of various trades placed under the command of an employeé of the Company. Mr. Sergius Moskvitinoff, has been supplied, for preliminary trade with the Kolosh, with a sufficient quantity of various kinds of merchandise. The instructions given by me to Moskvitinoff have been forwarded to the Board of Directors with protocol No. 313, of May 16, of the past year.

While reporting to the Board of Directors our settlement in the Kolosh Straits, I must bring to the knowledge of the Board the following important incident, which occurred last summer in the Stikine during the stay there of the brig *Chichagoff*. Lieutenant-Commandant Etholine, Assistant Manager of the Colonies, reported it to me on my return from Kadyak to New Archangel as follows:

"On June 13, current," reports Mr. Etholine, "there arrived here suddenly a whaleboat from the Commander of the brig *Chichagoff*, Lieutenant Zarembo, to report to me the arrival at Stikine of an English brig which intended to sail up the River Stikine for the purpose of establishing a settlement on the British frontiers. On board this brig was Mr. Ogden, Chief of the settlement of Naas, who announced to Mr. Zarembo his determination to settle up the Stikine River, but Lieut. Zarembo, acting in accordance with the instructions received from Your Excellency, and basing his action on the convention concluded between Russia and Great Britain, declared to Mr. Ogden that he could not allow his vessel to enter the river without the permission of his Chief, in consequence of which a term of 10 days was agreed upon between Messrs. Ogden and Zarembo in which to await my answer. Mr. Zarembo sent me, with his report, a letter to you from Mr. Ogden of June 19, in which Mr. Ogden specially refers to Article VI of the Convention, which allows the British to navigate from the sea and from the interior of the continent the rivers flowing through their possessions. Appreciating the full importance of Mr. Ogden's enterprise, notwithstanding the fatigue of the men, who reached Sitka from Stikine on the fifth day, I hastened to send back the whaleboat the next morning, with an answer to Mr. Zarembo and a letter to Mr. Ogden" (which I beg to refer you to in the report of Captain Lieut. Etholine) "in which I, in my turn refer to Article II of the above mentioned convention, in which it is said that the British are forbidden

to put in at places already occupied by us without the permission of the Governor or Commandant, etc., and added that, as communication by the English with the proposed settlement up the river will be held, now and in the future, over localities already occupied by us and situated within our frontiers, no permission for this could be given him (Mr. Ogden). However, as, on account of Your Excellency's absence I could not give him any decisive answer, I proposed that, before beginning to put his plan into execution, (which would be entirely opposed to the interests of and an evident damage to the Russian American Company) he should have at the end of August a personal interview with you in New Archangel. I sent with the whaleboat, at all events, for the re-enforcement of the complement of the brig *Chichagoff*, a six-oared boat with six men, and to 2nd Lieut. Kuznetsoff, Commander of the schooner *Chilkat* (who was then at Chilkat for trading purposes and who was to reconnoiter the mouth of the river Taku), I despatched a courier with the order to sail immediately for Stikine and to report to Lieut. Zarembo.

"On June 24th the six-oared boat returned from Stikine with a report from Lieut. Zarembo that the whaleboat and six-oared boat had arrived within the stipulated term (June 17) and that he had forwarded my letter to Mr. Ogden, in consequence of which Mr. Ogden left Stikine on the 19th of June and sailed back to Naas, promising to come to Sitka in August for a personal interview with you."

Before leaving Stikine, upon receiving the answer from New Archangel, Mr. Ogden asked Lieut. Zarembo: "If I wait for a favorable wind, hoist sail and enter the river with my vessel, what measures will you take to stop me?" To this Mr. Zarembo answered very sensibly: "Such action will be in opposition to Article II of the Convention, and in order that I may not likewise act against it, I declare to you that I am not going to fire upon you and will not use any violent measures to stop you." Upon receiving this answer Mr. Ogden departed immediately.

This incident made me await impatiently the interview with Mr. Ogden, who arrived at New Archangel on September 15 on the brig *Dryad*. At his second interview he declared to me by word of mouth that he did not see in Art. II of the Convention anything which forbid the establishment of a settlement up the River Stikine at a distance of 10 leagues from the sea, pointing out that in the English translation of the Convention the word: *aborder* (pristavat) was given as *to land*, saying that he intended to go by water up the river, and not to land before reaching the British possessions; upon receiving my answer that he would infringe upon Article II of the Convention if in spite of my non-agreement he should remain near our redoubt on the Stikine, he demanded a written answer to his protest. I enclose herewith the copy of my answer, and the originals of his two protocols of June 19 and September 30. It is very probable that this matter may be referred to the governments and that the British, on their side, may try to explain the convention to their advantage, calling the prevention of Mr. Ogden from entering the River Stikine an illegal proceeding. For this reason I deem it my duty to report in detail with regard to this matter.

It is clear that article II was drawn with intent to prevent disagreements between the British and ourselves regarding illicit trade. Seeing this article in this light it must be concluded that the word *aborder*, (pristavat) to put in, means in general to approach and not to

go on shore, for there is no necessity for foreigners to leave their vessel in order to trade with the natives, for these always come to them of themselves. But if we should allow the British to found a settlement at a distance of 10 leagues from the mouth, i. e. almost within our frontiers, and allow them free navigation from the ocean to that settlement and back, the purpose and meaning of Article II would come to nothing, and, instead of prosecuting illicit trade, this new settlement would prove a protection to the same and be a source of continual friction between the British and ourselves. Mr. Ogden declared to me personally, in 1832, that he had decided to sell (and was selling) strong drinks to the natives, as I have already reported to the Board in No. 181 of the same year; and at present he is selling fire arms and powder, although he has not stated this to me. Consequently will it be possible to allow the British to gain a firm footing on the boundary line at a distance of 10 leagues from the sea on all rivers, rivulets and streams, the mouths of which are situated in our possessions and to communicate unmolested in the sight of our ports and through our possessions with the dens of their contraband trade? Would not such an interpretation of the convention mean the desire of inventing possible causes for breaking the mutual agreement?

Mr. Ogden says that a factory of the Hudson Bay Company is situated on the lake where the river has its source, and that the Company needs a settlement on the river near its mouth not for the purpose of trading with the natives, but for more convenient communication with the interior of the continent. This statement, however, is untrue and the river Stikine will not facilitate communication with the interior, neither has the company any factories at its source; such statements of Mr. Ogden cannot be accepted.

Without doubt Mr. Ogden's only aim is to occupy the region where the natives living on the coast obtain river beavers, and then with their Canadians to hunt for these furs. It is in this manner that the Hudson Bay Co. obtains the greater part of their furs wherever they have settlements, since they have almost no need whatever to trade with the natives. Under command of a member in the confidence of the Company, a group of 20 to 30 Canadians roam with their wives and children in the favorable seasons of the year over all the places where there are river beavers, and possessing excellent traps and good guns they are not afraid of the savages, and manage to obtain beavers in great numbers. Does not this mode of hunting resemble the robbery of a band of brigands who trample on the rights and property of the aborigines? If the Hudson Bay Co. are allowed to trap river beavers in all the localities where the coast Kolosh of our possessions obtain their furs for trade, then the Kolosh will be brought to the deepest misery, losing the sources of trade which supplied them with merchandise constituting at present a necessity for this people. It is for this reason that the Stikines ask us most earnestly not to allow the British to enter the river; they foresee the fatal consequences to their people if the British succeed in cutting off their only source of trade. In fact the consequences will be terrible and unavoidable; the numerous, enterprising and formerly wealthy tribe of the inhabitants of the coast, (Kolosh) will become a tribe of brigands in the full sense of the word if they are brought down to abject poverty; losing the possibility of trading they will rob in order to procure for themselves the articles which the Europeans have taught them to need; supplied as

they are with guns, cannon and powder, thanks to the British and Americans, they can, if they act together, work fearful ruin by attacking the fort and vessels. Mr. Ogden himself told me that the inhabitants of the Kaigan Bay (on the southern frontier of our possessions) on account of the destruction of fur animals (sea otter) in their vicinity, and not being able to obtain them by trade from other tribes, have become very insolent, so that he is afraid to go to Kaigan with his vessels. He made the same remark with regard to the inhabitants of Queen Charlotte Island. This fact, acknowledged by Mr. Ogden himself, serves as a warning of what we would have to expect from all the Kolosh tribes should they lose their trading resources.

I ask again, does not humanity, justice, and the very duty of Russia with regard to the aborigines of her possessions in America, call us to the aid of the people, and must we not employ every means to prevent the British from occupying the localities desired by them, 10 leagues up all the rivers and rivulets falling into our straits? Article VI of the Convention treating on free navigation on rivers cutting the boundary line can refer only to navigable rivers or such as facilitate communication with the interior of America, and there are absolutely no such rivers flowing into our straits.

The possessions of the Hudson Bay Company in the south are extensive; they may treat the natives there as they please, we have never hindered them in any way and never will do so; does not justice demand that the Company deal in the same way with us and leave us in peace within our frontiers?

I hope that the board of directors will carefully consider the contents of this despatch and will communicate to our Government all the arguments on which I base my resolution not to allow Mr. Ogden to sail up the river Stikine—not having, however, taken any violent measures, acting thus strictly in accordance with Article XI of the Convention.[a]

Deputy Governor J. H. Pelly to ———.

HUDSON'S BAY HOUSE,
London, 24th October, 1835.

MY LORD: I have the honor to inform Your Lordship, for the information of His Majesty's Government, that from advices just received from chief Factor Mr. McLoughlin, the officer in charge of all the Hudson Bay Company's affairs on the north-west coast of America, an expedition was fitted out and despatched in the month of May 1834, agreeably to instructions previously issued by the Board of Direction, at which I preside as Governor of the Company, to form a trading establishment within the British Territories at a distance from the Ocean exceeding ten marine leagues up the Stikine river in about 56° 40′ N. Lat.

Your Lordship is aware that a convention was entered into between His late Majesty George the IV and the Emperor of Russia, signed at St. Petersburg 28 Febr. 1825, which determined the line of demarcation between the British and Russian territories on the North-West coast of America and I have now to complain of an infraction of the

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[a] For correspondence with Ogden see *ante* page 269.

terms of that Convention, to the very serious injury of the Commerce of the Hudson Bay Co. by Baron Wrangel, port captain in the Emperor's navy and Principal Superintendent of the Russian-American Fur Company's affairs on the North-West coast, who opposed an armed force to our expedition and thereby prevented the objects for which it was outfitted being carried into effect.

In so doing the Russian Fur Company have violated the 6th article of the Convention which provides, that the subjects of H. B. M. from whatever quarter they may arrive shall forever enjoy the rights of navigation freely and without any hindrance whatever, all the rivers and streams which in their course to the Pacific Ocean may cross the line of demarcation upon the line of coast described in article 3d. of that Convention. They have thereby moreover violated the 7th article of the said Convention (which provides that for the space of ten years from the signature of that Convention the vessels of the two Powers or those belonging to their respective subjects, shall mutually be at liberty to frequent without any hindrance whatever, all the inland seas, gulfs, havens, and creeks on the coast mentioned in article 3d. for the purposes of fishing and trading with the natives) in as much as the ten years had not expired, when Baron Wrangel did oppose an armed force to our expedition and thereby forcibly prevented our entering the river and carrying the object for which it was outfitted into effect, thereby subjecting the Hudson's Bay Co. to a considerable pecuniary loss (expenses incurred in outfitting this expedition), independent of the injury which our commerce in that quarter has sustained, by being thus lowered in the estimation of the natives who have ever since our distinguished navigators Cook and Vancouver visited that coast, identified our interests as British subjects with those of the Govt. by whom they were employed.

Herewith I have the honor to transmit for Your Lordship's information in confirmation of the foregoing statements: N°. 1. Extract from Chief Factor Mr. McLoughlin Despatch, dated Forth Vancouver Columbia River, 14 March, 1835; N°. 2. Extract from Chief Trader Ogden's journal of the proceedings of the expedition under his command for the purpose of ascending the Stikine River; N°. 3. Copy of correspondence between Chief Trader Ogden and Baron Wrangel and other officers of the Russian-American Fur Company; N°. 4. Estimate of expenses incurred by the Hudson's Bay Co. in an attempt to erect an establishment at Stikine amounting to £22.150.10.11.

I have now to request Your Lordship will be pleased to afford me an early personal interview in order to lay the case more fully before you, with a view to obtain indemnification for the very serious injury we have sustained by the violation of the Convention and protection of the intended persecution of our valuable trade in that quarter for the future.

I have, etc. J. H. Pelly.

Article from "The Times", London, November 3, 1835.

[Inclosure in Mr. Wilkins' No. 16, see *ante* page 247.]

GREAT BRITAIN.

We subjoin a communication from a known correspondent, respecting certain proceedings on the part of the Russian authorities in the river Stikine, constituting a violation of the Convention signed in 1825 by Great Britain and Russia, touching the navigation of that river. By the articles of the Convention it is evident that the occurrence of differences similar to those which appear to have actually taken place had been foreseen by the framers of the Convention, who very prudently fixed the course which is in such case to be pursued. The 11th article of the Convention prescribes that "an exact and circumstantial report" shall be made, "in case of complaint, or an infraction of the articles of the Convention," to the respective governments. We hope the aggrieved parties have not failed to avail themselves of the right of calling attention to their case in the proper quarter. The affair is as follows:

"In the year 1825 a convention was concluded between Great Britain and Russia, by which a certain part of the north west coast of America (hereafter described) was ceded to the latter, with the provision, however, that for the period of ten years thereafter the right of trading on those parts of the coast should be allowed to the subjects of the King of Great Britain, with, however, certain restrictions in regard to the trade equally binding on both parties. By this treaty the perpetual right was secured to England of navigating those streams which, in their course towards the Pacific Ocean, might cross the parts of the coast allotted to Russia, by means of which the subjects of His Majesty of England might have access to their territories in the interior of the continent. In the year 1833 a company of British merchants, being desirious of extending their trade into the hitherto unexplored parts of the interior of the north-west coast (i. e. to the northward for some degrees of 56 N. latitude), and their only means of doing so with any prospect of success being by ascending one of the rivers on the coast, which might lead them at once to the desired spot, despatched in August, 1833, a vessel to the mouth of a river called Stikine, which desembogues in Clarence's Straits, in lat. 56 deg. 50 min. Up this river one of the company's officers proceeded to explore, and having found a place suitable for erecting an establishment at the distance from the line of coast prescribed by the treaty, he formally took possession of it. The natives of the adjacent country expressed their joy at the prospect of having an establishment near them, and appeared well disposed in everything. In consequence of the favourable report of the officer alluded to above, it was resolved to put into execution the proposed plan. Accordingly he was appointed to the command of a body of men, accompanied by several officers, and proceeded in one of the company's vessels to the mouth of the Stikine River, which was reached on the 18th of June 1834. Before anchoring at the mouth of the river a boat was seen approaching the vessel, and, having come alongside, a Russian officer handed some papers to the commander, the purport of one of which was to inquire the particulars of the vessel, object of the voyage, etc. Another contained a notice written in the English language, and signed by the Governor of the Russian American Fur Company, Baron Wrangell, by which they were informed that two Russian armed vessels were commissioned to cruise within the straits comprised in the tract ceded to Russia by the treaty of 1825, when foreign vessels had no longer any right to trade. Having returned an answer stating the object of the expedition to the commander of one of the vessels alluded to in the above-mentioned notice, which they were informed was anchored in a bay close by, they proceeded to cast anchor. Before long another Russian officer came, and peremptorily ordered the commander of the vessel to weigh anchor and leave the place, saying that the subjects of Great Britain had no longer any right to navigate those straits; and that if they attempted to proceed up the river, the Russian vessel would destroy their boats. After giving an answer to this person, a third came with the Russian officer's compliments and a request that the English Commander should visit him. This the conductor of the expedition accordingly did; and on reaching the spot where the vessel was moored, found a small blockhouse erected on shore. After getting on board the vessel he was informed by the Russian Commander that he had orders to prevent all strangers from resorting to the Stikine Straits, and more especially to prevent any persons from proceeding up the river. These orders he was determined to enforce, and for this purpose his brig was armed with 14 guns, and manned by 80 men. His consort (an armed schooner) was at that time cruising about the straits; but was expected to return shortly. The English officer seeing that the force opposed to him was much superior to his own, and wishing, as agreed in the treaty, to avoid coming to any

open rupture, endeavoured to convince the Russian Commander of the right possessed by British subjects to navigate the river; but the only answer he received was—"I care not for the treaty, I shall obey my instructions." At length the Russian Commander proposed that both parties should remain until an express, which he proposed sending, should return from Sitcha, by which he would receive fresh instructions how to act. Prudence compelled the commander of the expedition to assent, and he availed himself of the opportunity thus offered to communicate in writing the tenor of his instructions, and the object of the expedition, to the Governor of the Russian American Company, at the same time protesting against the right arrogated by the Russians of preventing British subjects from ascending the Stikine River. Eight days after the departure of the above-mentioned express it returned, and by it the commander of the English party received a communication from the Deputy Governor of the Russian American Company. After premising that the Governor, Baron Wrangall, was absent from Novo Archangelsk (alias Sitcha), it proceeded to state that by the article of convention of 1825 it was forbidden to British subjects to land at any place where there might be a Russian establishment, without permission of the governor or commander thereof; that as the Russian American Company had built at Stikine, they thought it expedient to prevent, considering that they had an indubitable right, all foreign vessels from frequenting Clarence's Straits and the adjacent coast; and that by allowing British subjects to proceed up the river Stikine, the commerce of the Russian American Company with the natives would be much injured; they therefore thought it right to act as they had done. It concluded by stating that the officer commanding at Stikine had received orders to abide by his original instructions. After the receipt of the above communication the English commander had an interview with the Russian officer, and was again informed by him that if he attempted to despatch a party up the river, or to trade with the natives on the spot, the force which was under his command would be employed by him to prevent it, and that he was determined to follow up the instructions given him. It was in vain that the conductor of the expedition reasoned and endeavoured to convince his opponent of the rights sanctioned to the subjects of the King of Great Britain by the convention of 1825. It was in vain that he pointed out to him the probable consequences of this breach of faith on the part of the Russians; in vain did he call his attention to that part of the treaty wherein it is specially stated that no hostile measures should be commenced by either party, but that in cases of dispute the particulars of the transaction should be forwarded to the respective Governments of the two parties for arbitration; the only answer was a reiteration of what he had already said. "I care not for the treaty. My instructions are my law; and my instructions I will enforce." Under these circumstances the officer commanding the expedition, considering that to attempt forcing the entrance of the river would be attended with much loss of life, and that contending with a force so much superior defeat was almost certain, resolved with reluctance to abandon the project, and accordingly weighed anchor on the 29th of June 1834. In the month of September following the commandant of the expedition above alluded to, thinking that by having a personal interview with the Governor of the Russian American Company, the Baron Wrangell, he might get the sentiments of the Russians more fully developed, proceeded to the head quarters of the Russian American Company, Sitcha, and on requesting the governor to inform him by what authority he had acted in molesting the subjects of His Britanic Majesty while in the peaceable exercise of those privileges sanctioned to them by the Government of Russia, was answered in the following strain: Having first alluded to the 2d article of the convention, upon the tenour of which he attempted to justify his conduct in preventing the navigation of the Straits of Stikine, and allowing (as indeed he could not deny) the right granted to the subjects of Great Britain of navigating those rivers which crossed the line of Russian territory (and which, of course, were the only direct means of communication with the interior,) he nevertheless contended that this privilege did not extend to rivers similar to that of Stikine, upon which there were no establishments already formed by British subjects, and which in itself was insignificant, and the course of it much interrupted by rapids, etc. He also intimated that no other object than that of injuring the trade of the Russian American Company induced the British to attempt an establishment in that part of the interior, which he was determined, right or wrong to prevent. This was all the satisfaction to be procurred by the representative of a body of British merchants from this gentleman, backed by a force of 14 armed ships. With this answer was a subject of Great Britain compelled to depart, leaving the subjects of Russia in quiet possession of those privileges in which, by a convention which ought to have been held sacred, the subjects of Great Britain were entitled to participate, but of the participation in which, by a gross violation of international faith, they were forcibly deprived."

(*Times.*)

Report of the Directors of the Russian American Company on the Driad Affair.

[Translation.]

November 14, 1835.—No. 1261

To His Excellency, General of Infantry, Member of the Council of State, Senator, Minister of Finance and Knight, Count EGOR FRANTZOVITCH KANKREEN.

REPORT.

In the report to His Imperial Majesty dated September 24th of last year and presented to you, Sir, the Board of Directors of the Russian-American Company had the honor to describe to His Imperial Majesty the newly built forts and among them, that fort situated in the midst of the Kolosh natives at the Stakine Strait, near the frontier line of Russian dominions at about 55° of northern latitude.

With the last mail, that of April 30th, the Chief Director for the Colonies, Baron Wrangell, Captain of the fleet, informs us, that this fort is quite finished and has been named the fort of St. Dionisius." Lieutenant Zarembo was in charge of its construction. He informed us that on June 13th, 1834, Mr. Ogden, the Commander of an English settlement at Naaz, came into the Stakine with a brig and announced his intention to settle higher up the river on the English frontier. But Zarembo acting upon his orders and according to the Treaty concluded between Russia and England, answered that he could not let the ship pass up the River Stakine without the permission of his commander. In consequence a truce of (10) ten days was decided upon. Baron Wrangell being absent from Novo-Archangel, his Assistant, Captain-Lieutenant Etolin, received the Lieutenant Zarembo's report and Mr. Ogden's letter and, in answer to the latter, referred to the XIth Article of the Treaty, where it is specified that the English are forbidden to put into places already occupied by us, without the consent of the Governor or of the Commander. He added that, as the intercourse of the English with the supposed settlers upon the Stakine river would have to take place now, as well as in the future by way of our dominions, the permission cannot be granted Mr. Ogden. After this, Mr. Ogden asked Lieutenant Zarembo "what measures he would take to stop him in case he should await a favorable wind, set sail and enter the river?" To this Zarembo replied: "Such an act would be contrary to Article XI of the Treaty but in order to avoid violating it myself, I shall not fire upon you and shall not resort to any forcible measures to stop you". Then Mr. Ogden left the Stakine.

On September 15th Mr. Ogden arrived at Novo-Archangel. Upon meeting Baron Wrangell he verbally informed him that he could find nothing in Article XI of the Treaty against his settling at a distance of 10 leagues up the Stakine river and referred to the English translation of the Treaty where the word "aborder" was translated "to land". He said that he had intended to sail up the river and to land only on reaching the English frontier. Baron Wrangell, in reply to this, said that Mr. Ogden would be violating the Eleventh Article even if, without his permission he should stop near our fort at Stakine. Mr. Ogden made a written answer. The Board of Directors has the honor to forward herewith the copy of this answer, as well as of two protests, dated June 19th and September 30th.

Supposing that the English will try to explain the Treaty to their advantage and in such a way as to show that the prohibition from entering the Stakine river was unlawful, Baron Wrangell presented his view of the question as follows:

> It is quite clear that the Eleventh Article of the Treaty was introduced only with a view of preventing disagreements arising out of illicit trade between ourselves and the English. In so interpreting this article, we must suppose that the word "aborder", *to land*, means in general to come near the shore. It does not mean only to actually land but to anchor near the shore, because there is no necessity for foreigners to leave their ships in order to trade with the savages, because they always come to the ships. If the English be permitted to found a settlement at a distance of ten leagues from the estuary, that is to say, almost on our frontier and if they be permitted to navigate freely from the Ocean to this settlement and back, then there would be no meaning or purpose to Article XI and instead of preventing illicit trade, this new settlement would most certainly foster it. It would become a source of continual misunderstandings between ourselves and the English.

In 1832 Mr. Ogden personally informed Baron Wrangell, that he intended selling spirits to the natives and, at the present time, he is already selling fire-arms and gun-powder, without informing Baron Wrangell thereof. Consequently, Baron Wrangell says we cannot allow the English to settle near our frontier, ten leagues from the coast on those rivers, rivulets and water-courses, the mouths of which are within our territory or permit them to keep up a communication through our possessions and protected by our fortresses and with the localities of their smuggling trade.

Mr. Ogden told Baron Wrangell that a factory of the Hudson's Bay Company is situated on the lake whence the Stakine river flows and that the Company desires a settlement on the river near its mouth, not for trading with natives, but to secure easier communication with the interior of the continent. Baron Wrangell's reply was, that this information was incorrect, that the Stakine could not make the communication with the interior any easier and that the Hudson's Bay Company had no factories near the source of the Stakine.

Baron Wrangell reaches the following conclusions: that Mr. Ogden's sole motive was to settle in the country whence the natives living near the coast obtain otters. He desired to employ his men in this trade. But if the Hudson's Bay Company be allowed to catch otters even in those places whence the Colosh, living on the coast of our dominions, obtain their trading products by means of exchange, these latter would be reduced to the greatest poverty being deprived of their source of trade, which furnished them with supplies necessary to their existence.

As a proof of this Baron Wrangell alludes to the inhabitants of the Stakine who earnestly beg that the English should not be admitted to the river. They foresee bad consequences for the nation, if the English succeed in depriving them of their sole source of income. And, continues Baron Wrangell, the consequences are likely to be disastrous. The numerous, enterprising, and very rich tribe of coast dwellers, the Colosh, would, on being reduced to poverty, become a tribe of veritable robbers. Being deprived of trade they will steal in order to receive those things, to which the Europeans have accustomed them. Supplied by the English and Americans with guns, cannon and powder, they could, if they unanimously desired so to do, make fearful ravages upon the fort and ships. This opinion of Baron Wrangell is founded upon facts. As Mr. Ogden himself told him, the inhabitants of the Gulf Kaygan, on the southern frontier of our straits, have already grown so insolent since they had been deprived of the otter trade and they could no longer traffic with other tribes,

that Mr. Ogden is afraid to visit Kaygan with his ships. He made the same observation in regard to the inhabitants of Queen Charlotte Island. This circumstance cited by Mr. Ogden himself, serves as a warning of what we may expect of the Colosh, if they are deprived of the source of their commerce.

Finding the observations of Baron Wrangell to be worthy of consideration as concerning the present state of affairs, as well as in the future, which he so clearly foresees, the Board of Directors presented them for the consideration of a Council, organized under Supreme sanction. After a careful consideration of all the circumstances set out in the report of the Chief Commander for the Colonies, Baron Wrangell, concerning the unlawful efforts of Mr. Ogden to pass our frontiers to a settlement, which the English desire to establish in their territory, the Council turned to the Second and Sixth Articles of the Treaty, to which Mr. Ogden referred, arrogating to himself the right of free navigation on the Stakine river, which flows through our dominions and where we already have a settlement. The second Article stipulates: "that His Britannic Majesty's subjects have no right to land at places where there is a Russian establishment without the permission of the local Governor or Commander." On the Stakine there is already a Russian fort, named St. Dionisius and trade is being carried on with the natives, therefore in this case Article second of the Treaty clearly and definitely forbids the English from landing (without the permission of a Russian Chief) and also from navigating in the waters adjacent to the shore. The violation of that Article should be considered as a breach of the terms of the Treaty. Article VI, further stipulates: "that the subjects of His Britannic Majesty shall forever enjoy "the right of navigating freely and without any hinderance whatever all the rivers and streams which in their course towards the Pacific Ocean may cross the line of demarcation upon the line of coast described in Article III of the present Convention." From a superficial view of this Article, Mr. Ogden understood, that the English had full right of navigation in all rivers and streams flowing in our dominions and that therefore they could also navigate in the Stakine river whenever they pleased. But, on studying this Article with due attention it is evident, being at the beginning thereof, that the phrase "it is understood" is intended to indicate that it is not a separate stipulation, but only an explanation of the preceding articles and that it therefore cannot change the meaning of the Second Article. Besides the Sixth Article reserves to the English the right of free navigation only on those rivers and streams which in their course towards the Pacific Ocean *cross the line of demarcation upon the line of coast* described in the Article III of the Convention. Now the Stakine river runs through Russian territory but does not reach the coast as described in Article III, the southern boundary of the Russian territory being 54° of northern latitude. The English therefore can lay no claim to freely navigate the Stakine river, that being clearly forbidden by Article II of the Convention setting forth the general right of property of all nations. It is also prohibited by Article VI, because the Stakine river does not cross the line of demarcation upon the line of coast, which it would have to do in order to make it free for navigation.

In view of these circumstances, which make it quite clear that the Convention gives no right to the English to navigate the Stakine river

to the injury of our trade and the local inhabitants, as the Chief Director for the Colonies, Baron Wrangell has pointed out, the Council *recommends* that in order to avert such unfavorable consequences for the Russian-American Company, the Board of Directors should furnish full information of all the facts to the Minister of Finance, begging His Excellency to forbid the forcible navigation of the rivers and streams of our dominions safeguarded by Articles II and VI of the Convention.

Informing Your Excellency of these details, the Board of Directors takes the liberty of asking Your Excellency to take further measures in order that a forcible navigation of rivers and streams in our dominions may be forbidden to foreigners.

HLIEBNIKOV, *Director.*

Lord Durham to Count Nesselrode.

November 29/December 11, 1835.

The undersigned, His Britannic Majesty's Ambassador Extraordinary and Plenipotentiary, has received Instructions from his Government, to submit to H. Exl. the Vice-Chancellor Comte de Nesselrode, the accompanying copies of a letter and its enclosures, transmitted by the Governor of the Hudson's Bay Co., complaining that the Russian Authorities on the N. W. coast of America, have interfered with an expedition fitted out, under the directions of that Co. for the purpose of forming a settlement ten leagues up the Stikine River in 56° 40′ N. Latitude; an interference by which the Co. have sustained a loss of £ 22.150.10. s. 11 d. Sterling. The reciprocal rights of the crowns of Great Britain and Russia on the N. W. coast of America, are defined by the Treaty concluded at St. Petersburgh on the 16 28 February 1825, of which H. E. the Vice-Chancellor Comte de Nesselrode was a signing Party. The 6th article of that treaty stipulated that "the subjects of H. B. Majesty from whatever quarter they may arrive, whether from the ocean or from the Interior of the Continent, shall forever enjoy the right of navigating freely and without any hindrance whatever, all the rivers, and streams which in their course to the Pacific Ocean, may cross the line of demarcation upon the line of coast described in article III of the present Convention."

The article 7th stipulates "that for the space 10 years from the signature of the present convention the vessels of the two Powers, or those belonging to their respective subjects, shall mutually be at liberty to frequent, without any hindrance whatever, all the inland seas, the gulfs, havens, creeks, on the coast mentioned in the article III for the purpose of fishing and trading with the natives."

The treaty having been concluded on the 16/28 day of February 1825, the term of ten years specified in the last mentioned article did not expire until the 16 28 February of the present year. But notwithstanding this, the Russian Authorities on the coast issued on the 15 27 May, 1834, a notification to foreign merchant vessels, that thenceforth no trade would be allowed with the Indians within the territory of Russia and in virtue of the same notification, warned off the British Expedition which arrived off the Stikine River on the 16 28 of June 1834.

But the British Expedition although entitled under the treaty to frequent and trade in the waters of the Russian Dominion until the

expiration of the above mentioned period of ten years, had not been fitted out with that view, but was undertaken for the purpose of exercising the right secured to British subjects *forever* by the 6th article of the treaty to "navigate freely" one of those streams which in their course towards the Pacific, cross the line of demarcation upon the line of coast described in the 3rd article of the treaty and the ultimate object of the expedition was to form a settlement, *within the British Territory.*

The obvious meaning of the 6th article of the treaty is, that British settlers should have the opportunity of conveying to the sea the produce of their industry, notwithstanding that the coast itself is in the possession of Russia; and the undersigned is convinced that the Government of His Imperial Majesty will not be disposed to sanction in opposition to the clear stipulation of the treaty, the argument put forward by the Russian authorities in justification of their conduct, namely, that the formation of the intended British establishment might prove injurious to Russian commerce.

The treaty recognizes no such principle as is involved in that argument. On the contrary the 5th article stipulates that "no establishment shall be formed by either of the two parties within the limits assigned by the two preceding articles to the possessions of the other," and it therefore clearly implies that the respective Governments contemplated the formation of new establishments within their respective territories; and the subsequent article secured to all British establishments then formed; or thereafter to be formed, a free communication with the ocean through the territories of Russia.

No less unfounded is another pretence set up by the Russian authorities as a ground for justification for their conduct, and which they seek to draw from the 2d article of the treaty. That article stipulates, that "in order to prevent the right of navigation and fishing exercised upon the ocean by the subjects of the High Contracting Parties, from becoming a pretext for an illicit commerce, it is agreed that the subjects of His Britannic Majesty, shall not land at any place where there may be a Russian establishment without the permission of the Governor or Commandant." It does not appear that the British expedition referred to in the present papers, had any design whatever, to land at a Russian establishment, or to carry on commerce of any kind on the coast. But, even if the British expedition had manifested any disposition to land, the Russian Authorities could only have been justified in preventing them from doing so and could have no right whatever to prevent the expedition from passing up the river.

With regard to the further allegation of the Russian authorities "that the 6th article of the convention can have no application to such rivers, as the Stikine, upon which there is no British establishment in the interior, and which is besides, an insignificant and shallow river, and interrupted by cataracts in such a manner as not to be adapted for facilitating the communications with the British possessions in the interior," the 5th article of the treaty disposes of the first part of this allegation; and with regard to the latter part of it, the undersigned has only to observe, that the 6th article of the treaty contains no limitation as to the size, depth, or character of the rivers, to which it is applicable, but declares generally, that the subjects of H. B. M. from whatever quarter they may arrive, whether from the Ocean or from the interior of the continent, shall *forever* enjoy the right of navigat-

ing freely and without hindrance, *all* the *rivers and streams* which in their course to the Pacific Ocean may cross the line of demarcation upon the line of coast described in the article III of the present convention."

The undersigned cannot conclude his observations upon this subject to H. E. the Vice-Chancellor Count de Nesselrode, without expressing some surprise, that the Russian authorities, at the very moment they were driving the British expedition from the coast by threats of actual violence, should quote the 11th article of the convention, which provides that "in every case of complaint on account of an infraction of the articles of the present convention, the civil and military authorities of the High Contracting Parties, without previously acting or taking any forcible measure, shall make an exact and circumstantial report to their respective courts," neither, can he avoid calling His Excellency's attention to the unbecoming declaration of the Russian Lieutenant Commander Sarembo, to the Superintendent of the British expedition, that his instructions were to prevent the expedition and that by those, and not by the treaty, would he be guided. His Majesty's Government do not entertain a doubt of a sincere disposition on the part of the Russian Government, to execute with good faith the provisions of the treaty, they are likewise convinced that the conduct of the local authorities was unauthorized by the Government of His Imperial Majesty and that it will be at once disavowed by them.

The undersigned is therefore instructed to bring this subject before the Russian cabinet, to express the confident expectations of his Government, that redress and compensation will be granted without delay by the Government of H. I. M. to those British subjects who have been aggrieved by this infraction of the convention and to add the earnest hopes of his Government that such orders may be immediately forwarded to the Russian authorities on the N. W. coast of America, as may prevent the occurrence of similar violations of the treaty.

The undersigned avails himself of this opportunity to repeat to H. E. the V.-Chancellor Count de Nesselrode, the assurances of his most distinguished consideration.

St. Petersburg, November 29/ December 11, 1835.

(Signed) DURHAM.

To His Exc'ly The Vice-Chancelor COMTE DE NESSELRODE.

Count Nesselrode to the British Ambassador, December 21, 1835.

[Translation.]

The Undersigned, Vice-Chancellor of His Majesty the Emperor of all the Russias, has received the note that His Excellency Lord Durham, Ambassador Extraordinary and Plenipotentiary of His Britannic Majesty has done him the honor to address to him on the 29 November / 11 December.

The matter therein treated, as far as it concerns a difference which has arisen between Russian and British subjects, has already, for that reason only, caused sincere regret to the Imperial Ministry, and this regret is all the deeper because reports arriving here directly on this same affair, are of a nature to confirm the supposition that the authorities of the Russian settlements on the North-West Coast of America have, on the arrival in those parts of a vessel belonging to the Hudson Bay Company, acted in a manner which is far from the intentions of the

Imperial Government and its constant desire to maintain and strengthen the friendly relations now subsisting between the two Powers. It appears, in fact, by connecting the circumstances as presented by Mr. Ogden and by the local authorities, that the latter were mistaken in the interpretation and application of some of the stipulations of the treaty of 1825, and that it is, namely, on account of this deplorable error, that they believed themselves unable to acknowledge the right of Mr. Ogden to enter a river on which no English settlement as yet existed, whilst its mouth was commanded by a Russian redoubt, where Article II of the treaty prohibits foreigners from landing without the permission of the commandant. However plausible the reasons on which such an interpretation was based may have appeared at the first moment, the Imperial Ministry cannot help acknowledging that it does not agree with the true spirit of the Convention of 1825 and of Article 6 particularly.

The Undersigned is even authorized to declare to His Excellency Lord Durham that the Imperial Government can only disclaim the interpretation given the several stipulations by the local authorities, which stipulations have been pleaded on both sides, and that it will, without delay, acquaint them with its disapproval in the matter, and at the same time it will take the necessary steps to prevent the recurrence of such a grievous misunderstanding.

This assurance and the frankness which His Imperial Majesty has insisted should preside over it, must offer to the Government of His Britannic Majesty a new proof of the fidelity that the Imperial Cabinet brings to bear on the support of existing treaties and of its earnestness to right the just grievances that may arise in the matter. Lord Durham will also find, the undersigned hopes, an entirely satisfactory answer to the several arguments submitted in his note and principally caused by the more or less hazardous assertions and sayings that Mr. Ogden imputes to the Russian officers with whom he has come in contact. In this regard, the undersigned deemed it proper to observe that, as the parleying that has occurred in the matter, has been done through the medium of several interpreters, whose correctness it would be difficult to guarantee, these sayings and assertions may not be admitted as accomplished facts, or it may be allowable not to give them such a value as would justify the legal consequences that might result from them. This observation refers especially to the pretended threats that the Russian officers may have indulged in towards Mr. Ogden, in case he persisted in his intentions to ascend the river Stakhine, because it is proved by the reports of the local authorities transmitted here and by their correspondence with Mr. Ogden, that no threat whatever has been made by them.

On one side Naval Lieutenant Zarembo reports, that having been questioned by M. Ogden as to what he intended to do in case he, Ogden, should avail himself of the first favorable wind to enter the Stakhine, he declared that, in that case, in order not to act contrary to Article II of the Convention which expressly prohibits the respective authorities, both civil and military, from using violence or forcible measures, he would not fire on the English vessel, nor commit any act of violence towards it. On the other side, Lord Durham will kindly notice that in his letter to Captain Ogden of September 19, 1834, a letter which is among the papers submitted by His Excellency Baron Wrangel, whilst announcing that he had issued orders to the Commandant of the fort

of Stakhine, *not to allow* foreigners *to enter* the river of that name, he hastened to add these words: "that is, *not to permit them* the entrance, &c" thus giving the Commandant to understand, that the opposition as prescribed, must be confined to a simple *refusal of permission*, so that if, notwithstanding, M. Ogden had decided to pursue his course, he would be doing it without the knowledge and consent of the local authority. Furthermore, Baron Wrangel ends his letter by expressly declaring, that finally he would act in the sense of Art. II of the Convention, and he thus clearly defined his intention of abstaining from violence or forcible measures, whatever might be the course the English Captain decided to follow.

The undersigned believes he must insist on this fact, not only to justify the local authorities from the reproach they have incurred of having proposed an erroneous interpretation of the treaty with formal threats, as well as to exhibit in its true light the demand for indemnity which the Hudson Bay Company bases, on its side, on the kind of opposition that its vessel met with. It appears, in fact, that M. Ogden encountered no material impossibility, nor even probable danger of any kind in pursuing his course, and that, if he, nevertheless, preferred to give it up and abandon a plan the execution of which had been entrusted to him by the Hudson Bay Company, he yielded less to an absolute necessity than to an excess of prudence, for which he alone is responsible to his employers, that therefore, these can only claim from him, and not from the Russian authorities, whatever losses they may have suffered on that occasion.

The undersigned cherishes the hope that, by viewing this affair from the same point of view of strict equity, and in return for the frankness with which the Imperial Cabinet has hastened to recognize the principle of the treaty, the maintenance of which is equally important to both Governments and to their respective subjects, the Cabinet of His Britannic Majesty will not grant its support to a demand for indemnity, that it would be impossible to admit as founded on right.

Begging Lord Durham to bring this present note to the knowledge of his Government, the Undersigned has the honor to reiterate to His Excellency the assurance of his high consideration.

ST. PETERSBURG, *December 21, 1835.*

COUNT DE NESSELRODE.

Board of Directors of the Russian-American Company to the Department of Trade and Manufactures, January 3, 1836.

[Translation.]

Memorandum concerning the affair in dispute between the Russian-American and the Hudson's Bay Companies.

In the report of Count Nesselrode to His Excellency Egor Frantzevitch [Kankreen], the conclusions as to what would probably be the results in the correspondence of the Stakine affair are based upon the opinion that the Russian Colonial authorities were the first to break the sixth Article of the Treaty.

The Colonial Authorities really never supposed, that our protecting Government, in granting special privileges to the Russian-American Company for the assurance of its existence, had also granted to foreign-

ers such rights and privileges as would inevitably ruin the Russian-American Company and force the Russians out of all the places on the American continent. But observing that in the correspondence with the English Embassy, our Government has already acknowledged the prohibition of entering the Stakine to be a breach of Article VI, it would be unreasonable to cite here the reasons which induced the Colonial Authorities to consider it their right to act upon Article VI in another than the strictly literal sense of the words.

Nevertheless the Board of Directors of the Russian-American Company is bound to draw attention to the following considerations.

1. To the ruinous consequences not only to the prosperity of the colony, but to the integrity of our dominions on the continent of America, if the English be allowed to establish their factories on all the water-courses upon the boundary line, that is within ten miles from the coast.

2. Should our Government consider the claim of the English as just in principle and should it make the Russian-American Company pay for the losses claimed by the Hudson's Bay Company in consequence of the non-admission of its ship into the Stakine, still more should the English Government acknowledge the claims of the Russian-American Company as an indemnity for the losses caused to it by the English violation of that article of the Convention, in which they are prohibited from selling fire-arms and spirits. Before the establishment of the Stakine settlement, namely in May, 1832, the Colonial Authorities had officially reported to the Board of Directors of the Russian-American Company that the Agent of the Hudson's Bay Company, Mr. Ogden, visiting Sitka, had an interview with the General Manager of the Colonies and had declared, that he, Ogden, was forced to sell rum and that he had already given notice of this, which was contrary to the Treaty, to the authorities in England. The testimony of most of the natives inhabiting the shore of the straits belonging to Russia, even before this declaration of Mr. Ogden, had assured the Colonial Authorities that the English were selling them not only rum, but also fire-arms and gun-powder. Consequently the English were in all justice the first to violate the Convention.

The settlement on the Stakine was principally established for the purpose of placing some obstacle, however small it might be, to this illegal traffic and to prevent any further penetrating into the heart of our dominions.

The losses suffered by the Russian-American Company, thanks to the violation of the Treaty by the English, are very important both from a material and moral aspect. The sale of gun-powder and rum by the English to the natives, has not only diverted their trade from us to the English ships standing in our straits, but has caused the natives to turn against us and call us oppressors, the opposite of the English who provide them with all they want.

Therefore it would seem advisable that, should the Hudson's Bay Company persist in claiming the indemnity for her losses, it should on its part compensate the Russian-American Company for the losses caused to it by the English sale of gun-powder and rum from their ships visiting our straits.

If the contents of this note should be honored with approval, might it not be judged advisable to add the above cited arguments to the Memorandum to be sent to the English Minister?

The following circumstances might also be explained:

1. The Russian ship which was stationed at Stakine when the English came there, was not a war-ship, but a ship of the Company, fitted out with cannons and crew no stronger than that of the English, and the hull of the brig *Dryad* was longer, wider and higher than that of the brig *Tchitchagoff*. Consequently the English fear of violence on the part of the Russians was improbable, apart from the verbal and written declaration that Article XI would be strictly observed by us.

2. The statement that the Russians endeavored to irritate the natives against the English ought also in justice to be rejected, as an unfounded calumny. In explanation it is necessary to observe that the strongest and most numerous tribe of the natives dwell upon the sea coast and upon the rivers and streams, but they themselves do not catch otters (the chief article of trade in these countries) because the animals are not found where they live. On the contrary they go, at certain periods, into the interior of the continent to obtain furs from the tribes there, in order to resell them afterwards to the Europeans at a profit. Consequently the natives had reason to favor our European settlement in the estuary and to oppose any settlement in the interior among those tribes who, up to now, have provided them with furs, which would thus pass to the English at first hand.

And more than this: the English brought with them Canadian hunters for the purpose of catching sea-otters themselves, as they do whenever an occasion presents itself. Consequently, not only the coast tribes, but those in the interior as well, would loose their property and the profits of their trade. It seems that, such being the state of affairs, the natives had every reason to be angry with the English and to oppose their entrance into the river threatening to attack their projected settlement in the interior, up the Stakine river, and this without any encouragement on the part of the Russians.

To the Department of Trade and Manufactures.

The Board of Directors of the Russian American Company to the Governor of the Russian American Colonies, Ivan Antonovich Kupreyanoff, March 12, 1836, No. 248.

[Translation.]

From the report of your predecessor Baron Wrangell, of April 30, No. 135, on the trade with the Kolosh in our straits, and on the condition of the Dyonisius redoubt, the Board of Directors noticed with pleasure that the scope of our operations increases through acquaintance with Chilkat and that there is hope of obtaining furs from the natives of that bay as well as from those of the Taku canal discovered by Mr. Kuznetsoff.

The Board of Directors begs of you to maintain Baron Wrangell's dispositions with regard to the sending there of vessels with merchandise and the reinforcement of Dyonisius redoubt by the alternate detail of vessels there for greater security.

With regard to the opinion of Ferdinand Petrovich, expressed in the same report on the diminution of prices for furs bought from the Kolosh, the Board of Directors begs of you to take it into consideration and put it into execution gradually, if not at once. Better qual-

ity of river beavers and otters are received from Sitkine than from Sitka, and on account of this somewhat higher prices ought to be paid for them than for the Sitka ones. The black fox obtained from Chilkat is also of better quality, consequently for the purpose of encouraging the natives in bringing the furs entire and not in ready sewed garments, it is necessary to show the same distinction in payments and according to this, making arrangements with regard to other furs, taking into consideration both quantity and quality in their trade, the one compensating the other.

Tv. Prokofyeff
N. Kussoff
A. Severin.

Count Nesselrode to the British Ambassador, March 10, 1837.

[Translation.]

The undersigned, having received the note that His Excellency Lord Durham, Ambassador Extraordinary and Plenipotentiary of His Britannic Majesty has done him the honor to address to him on the 4 16 February last, has taken all the more interest in getting acquainted with the documents that accompanied it, as they seemed destined to cast a new light on the claim that the English Company of Hudson Bay brings against the Russian-American Company. However, an attentive examination of these documents has convinced the undersigned that no new fact had been developed in support of the said claim, or that was of a nature to invalidate the arguments that the Imperial Ministry had considered its duty to present in opposition. In fact, among these documents, some were already known to the Imperial Ministry by previous communications of Lord Durham, namely: the report of Mr. Skeen Ogden, and the papers of his correspondence with the authorities of the Russian settlements on the North-West Coast. Others contain both the depositions of different individuals that took part in the expedition of the *Dryad* towards the Stakhine, or had knowledge of it, and the detailed specifications of the damages and interest that the Hudson Bay Company claims payment of.

What the said Company strives to prove by these documents, is that the authorities of the Russian settlements on the North-West Coast not only did not permit the *Dryad* to enter in the Stakhine, but that they went as far as threatening the chief of that expedition to use violence towards him, in order to force him to retire and that it was those threats, as well as the evidence of the danger they entailed that led Mr. Ogden to abandon the enterprise which had been entrusted to his direction.

In thinking over these different allegations, the undersigned must refer to the note he had the honor to address to the Ambassador, dated December 21, 1835. His Excellency will be kind enough to remember that the Imperial Government earnestly disavowed the erroneous interpretation of the Convention of 1825, on which was based the refusal to admit the English vessel into the Stakhine. As for the threatening speeches attributed to the Russian officers, it was proved in that same note of December 21, that nothing establishes their reality, not only because the Russian officers declare to the contrary, but also because their reports to the Imperial Government and their correspondence

with Mr. Ogden, show that they expressly announced their intention to abstain from all manner of violence in order not to act against the stipulations of the treaty. It would seem that on this point, the testimony of individuals who were heard in the case by direction of the Hudson Bay Company and that, besides, could only testify through interpreters whose veracity is not guaranteed, cannot in the eyes of the Imperial Government, deserve more credence than the reports of its own authorities and their written communications to Mr. Ogden.

The fact of alleged threats, being thus reduced to its fair value, the evidence of the danger caused by these threats and that would have been incurred by the *Dryad*, had it pursued its course, naturally disappears, and with it goes the principal argument on which the English Company has based its claim for an indemnity.

In his note of the 21st of December, the undersigned stated that if Mr. Ogden thought best to give up the pursuit of his expedition and abandon a project the execution of which had been entrusted to him by the Company, he yielded, not so much to an absolute necessity as to an excess of prudence. However, this point of view has been modified in a measure when the undersigned read the testimony of Messrs. Charles Kipling and Alexander Duncan, both being ocular witnesses of what occurred whilst the *Dryad* was stationed at the mouth of the Stakhine. According to their statement, one of the principal motives that determined Mr. Ogden to leave those parts, after a consultation had been held on board his vessel, was the danger to which he and his companions were exposed from the native Indians, these having threatened to massacre the officers and crew of the *Dryad*, as well as the other persons who accompanied the expedition, if they attempted to ascend the river. This fact deserves to be noticed because it proves that it was not an excess of prudence, as the undersigned considered it at first, but the foresight of a real danger that prevented Mr. Ogden from fulfilling his commission to the end; in fact, that it was not the alleged threats of the Russian authorities, nor their protests that have caused the expedition of the *Dryad* to fail, but it was unsuccessful, because the agents of the Company, during their voyage in 1833 to explore the country with a view of forming a settlement, had mistaken the real disposition of the natives and that it is only on their return, the year after, that they became convinced that the contemplated settlement would not be tolerated by the Indians themselves.

It is possible to suppose that, struck by this certainty, Mr. Ogden would have eagerly seized the pretext furnished him by the opposition of the Russian authorities, in order to retire, letting the consequences of his conduct fall on them.

However this hypothesis may be, it henceforth remains proved that the opposition of the Russian authorities has not been the true cause of the withdrawal of Mr. Ogden, or at least that it cannot be considered as the principal obstacle to the pursuit of his expedition; and this certainly can only confirm the Imperial Government in its view of the matter, which has not allowed it to recognize the justice of the claim which the Hudson Bay Company brings against the Russian-American Company.

Begging the Ambassador of His Britannic Majesty to submit this view to the attention of his Government, the undersigned has the honor, &c.

COUNT DE NESSELRODE.

and equitable spirit, which usually distinguishes the communications of the Russian Cabinet.

I have the honor to be with the highest consideration, Sir,

Your Excellency's most obedient servant

DURHAM.

To His Excellency COUNT NESSELRODE, etc.

Mr. Milbanke to Count Nesselrode.

ST. PETERSBURG, *July 13, 1837.*

The Undersigned, Her Britanic Majesty's Minister Plenipotentiary, has been instructed by his Government to address to His Excellency, the Vice-Chancellor, Count Nesselrode, the following observations, in reply to His Excellency's notes to the Earl of Durham of the 22nd of March last, upon the subject of the claim of the Hudson's Bay Company, and in addition to the observations already made on the Count Nesselrode's notes by the Earl of Durham in his note of the 24th of March.

Count Nesselrode rests the continued refusal of the Russian Government to make compensation to the Hudson's Bay Company in the first place, upon the ground that the opposition of the Russian Authorities was not the real cause, or at all events not the principal obstacle which prevented the British Expedition from proceeding up the Stikine River.

To this allegation, Her Majesty's Government conceive, that a sufficient answer would be furnished by the admission of the Count Nesselrode himself in His Excellency's confidential note of the 22nd of March, in which His Excellency states, that the circumstance of Mr. Ogden having in his first visit to the River Stikine in the year 1833, supplied the natives with Gunpowder in exchange for Peltries, explained although it did not justify, "the refusal" of the Russian Authorities to allow Mr. Ogden in the following year to proceed to the district in which he had so traded, in articles prohibited by the Treaty.

It is upon the fact of this *refusal* on the part of the Russian Authorities to allow the Expedition to proceed, that the claim of the Hudson's Bay Company rests. That fact appeared to His Majesty's Government to have been sufficiently established by the evidence already adduced, but it is here distinctly admitted by Count Nesselrode himself;—and the Undersigned is instructed to observe that such a refusal notified by the Commander of a ship of war to the Master and crew of a Merchant ship, must be held to be equivalent to a threat, that force would be employed if necessary to carry it into effect; and therefore, the reluctance of the Hudson's Bay Company to expose the Expedition under their charge to the probable consequences of disregarding a notification so made to them, cannot justly be imputed to them as an excess of caution not warranted by the circumstances of the case.

Count Nesselrode further alleges, that it appears by the depositions of Messrs. Kipling and Duncan, that one of the principal reasons which occasioned the departure of the Expedition from the Stikine was the apprehensions entertained by the British parties of danger from the Indians; and his Excellency would therefore have it to be inferred, that it was the apprehension of real danger, and not excess of prudence, as he had previously alleged, which caused the expedition to be abandoned.

But the Undersigned is instructed to remark, that the real purport of the deposition in question, is not exactly what Count Nesselrode represents it to be. The deposition of Mr. Kipling states, that it was the declaration of the Commander of the Russian Brig, and the threats of the Russians which rendered the parties in charge of the expedition apprehensive not only that the great danger was to be apprehended from the officers and crew of the said Russian Brig, but also from the Indians in that quarter, who were under the influence of the Russians: and the deposition of Mr. Duncan states, that, "in consequence of the "threats, of the said Russian officers, and of the Indians under their "influence," it was resolved to abandon the Expedition.

It is manifest, therefore, from these passages, that the danger principally apprehended was from the threats of the Russian officers; and also, that the further danger, whatever that might be, which was apprehended from the Indians, was attributed to Russian influence; and when it is considered, that the Agents of the Hudson's Bay Company had traded amicably with the Indians on the River Stikine, so recently as the year 1833, as stated in Mr. Duncan's deposition, it is not unreasonable to assume, with the Hudson's Bay Company that the unexpected hostility to the British Expedition, manifested by the Indians in the succeeding year, was instigated by Foreign influence and fostered by the representation of a rival association.

The Undersigned is instructed to state, that Her Majesty's Government upon a full review of all the circumstances of this case, must still maintain that the failure of the Expedition in question, was occasioned by the conduct of the Russian Authorities, and must persist in urging the Cabinet of St. Petersburg to make to the Parties that compensation for their losses which is justly due.

Before concluding this note, the Undersigned will briefly advert to the complaint made by Count Nesselrode, that the Traders of the Hudson's Bay Company supplied the Indians on the River Stikine with Gunpowder, in the year 1833. The Hudson's Bay Company entirely deny that their agents anticipated the probability of the Gunpowder in question being employed by the Indians for purposes of hostility against the Russian settlement. The uses to which the Indians usually put the Gunpowder supplied to them are the procuring of Peltries and food; and the agents of the Hudson's Bay Company could have no reason to doubt, that the small quantity of Gunpowder which they supplied to the Indians on the Stikine, would be employed by them in the same manner as that which they are in the constant habit of furnishing to the Indians on the *British Territory*, without any prejudice to the Establishments of the Hudson's Bay Company.

The Undersigned is, however, instructed to state to Count Nesselrode that strict orders will be given to prevent for the future any such sale of Gunpowder by British Traders on the coast of the Russian Territory.

The Undersigned avails himself of this opportunity to renew to His Excellency the assurance of his distinguished consideration.

[SEAL] (Signed) J. B. MILBANKE.

Count Nesselrode to Mr. Milbanke, April 28, 1838

[Translation.]

The undersigned has deemed it his duty to submit to Lord Durham, in the notes he has had the honor to address to His Excellency on

December 1835 and March 10, 1837, the reasons which prevented the Imperial Government to consider as just, the claims lately presented by the Hudson Bay Company against the Russian-American Company. Not only were these reasons deduced in a great measure from the very documents the claimants themselves had presented in their case, but they seemed to be all the more deserving of consideration as the Imperial Government had, at the same time, hastened to disavow the interpretation that the authorities of the Russian settlements on the North-Western Coast had given to one of the articles of the Convention of 1825, in order to prevent the *Dryad* from ascending the Stakhine. As the Imperial Ministry had been so frank in its explanations in the matter, it experienced all the more regret on reading the subsequent communications of the British Embassy on the same subject and namely, the note that Mr. Milbanke, Minister Plenipotentiary of His Britannic Majesty did him the honor to address to him on July 1/13 last.

In answer to it, whilst referring to the arguments developed in his previous notes, the undersigned deems it his duty to add the following explanations, that have been suggested to him, on one side, by a new and scrupulous revision of the affair in question, and on the other, by additional light furnished by the Russian-American Company in regard to the circumstances connected with the claim of the English Hudson Bay Company.

The claim for indemnity presented by this Company, is based on the fact that the declaration of the Russian authorities that they could not let the English vessel enter the Stakhine, was accompanied by threats and demonstrations such as to make Mr. Ogden foresee an evident danger if he pursued his intended course. This fact would no doubt be decisive, if it could be proved in an unquestionable manner. Not only has it not been proven, but it has been met by a most formal denial on the part of the authorities to whom these threats are attributed. On examining with impartiality the proofs furnished by both sides, it is found, in fact, that some parleying did take place between the Russian authorities and the persons composing the English expedition; that interpreters, foreign to both nations, and consequently, whose faithfulness is in no way guaranteed, have been employed in this case; that being unable even by this means, to come to an understanding, recourse was had to pantomime, in short that it is on such facts that the event is demonstrated, that the Russian authorities had threatened the English vessel with repelling by force of arms its attempt to enter the Stakhine. On the other hand, there exist declarations that the Russian officers have addressed *in writing* to Mr. Ogden, which not only do not contain any threats, but explicitly disavow the intention of using violent measures. In this respect, the undersigned relies on the communications made to Mr. Ogden by Lieutenant Sarembo on the 10th and 18th of June 1834, by Captain Lieutenant Etolin, on the 14/26 of June, and finally by Captain Baron Wrangel, on the 19th of September of the same year. Is it possible to hesitate as to what must be considered as true or erroneous, between testimony so contrary and so different in kind? And even were the allegations on both sides supported by proofs of equal value, the Minister of His Britannic Majesty could certainly not expect that the Imperial Government should take no account of the reports of its own authorities, and have faith in the assertions of alien subjects, more or less interested in the case.

Mr. Milbanke has argued, among other points, that a prohibition notified by an officer commanding a war vessel to the captain and crew of a mercantile vessel, must be considered as equivalent to a threat, for in case of need, that prohibition could be supported by force; that, consequently, if the Hudson Bay Company did not wish to risk submitting its expedition to the probable consequences of its refusal to conform to a notification made in such a manner, it is not liable to reproach for an excess of prudence not sufficiently justified by the nature of the case. In answer to this argument, the undersigned will limit himself to reminding Mr. Milbanke, that according to maritime usages, a notification or a summons made by a war vessel, only takes the character of a threat when it is accompanied by a cannon shot fired in the air; that such a demonstration, which is generally intelligible, did not take place in regard to the *Dryad* and that therefore Mr. Ogden could always be accused of excess of prudence for having left the borders of the Stakhine before being certain how far the opposition of the Russian authorities might go. Besides, even if the general rule pleaded by Mr. Milbanke were exact, the implication which he has deduced therefrom, seems all the less applicable to the case as Art. XI of the Convention forbids all act or measure of violence; as under the guarantee of this stipulation, the English expedition had no danger to fear from the Russian authorities, who, in their parleying with Mr. Ogden had expressly declared their willingness to conform to the rulings of the said Art. XI.

But there is more. The Russian vessel, the *Tschitschagoff*, which was stationed at the mouth of the Stakhine, at the time the *Dryad* appeared, is not a war vessel, but a merchant brig, belonging to the Russian American Company, so that the argument based on the presumed presence of a war vessel in those parts, falls by itself. The *Tschischagoff* is besides of a smaller size than the *Dryad*, her crew not much more numerous than that of the English vessel; it is true that she was armed with cannons, but so also was the *Dryad*. The two vessels being of about the same strength, it would not be exact to say that Mr. Ogden could not have pursued his course, without exposing himself and his companions to an evident danger from the Russian seamen. It is allowable, on the contrary, to infer more and more certainly, that his retreat was determined by considerations of quite another nature and by motives much more real than those he has chosen to plead.

What, in fact, appears to have principally led Mr. Ogden to give up his enterprise is, as the undersigned has stated in his note of March 10, the certainty that the natives would not allow the settlement intended by the company. Indeed, however incidental, however casual may have been the remarks of Messrs. Duncan and Kipling, who were the first to mention the dangers the English expedition had to fear from the natives, it is nevertheless a fact, that can be considered as proved, viz: that it is that fear and not the declarations of the Russian authorities that determined Mr. Ogden and his companions to withdraw. In this respect, the undersigned sees himself, with regret, obliged to enter into an explanation he would have wished to avoid. It has been stated in the depositions of Messrs. Kipling and Duncan, that independently of the threats attributed to the Russian authorities, the hostile disposition of the Indians, who were under the influence of the Russians, had also been taken under consideration, on board of the *Dryad*. In mentioning this fact, in his note of March 10, the Impe-

rial Minister was far from supposing that the expression "under the influence of the Russians," which seemed to have been used to designate the Indians settled in the territory belonging to Russia, conveyed the idea that it was the Russian authorities that had inspired hostile feelings against the English and had excited them to the atrocious acts with which they threatened the expedition. If such was the meaning to be attributed to the words above quoted, they would imply, avowedly, a grave charge against the Russian authorities, a charge which Messrs. Duncan and Kipling themselves have, doubtless, not even fathomed the importance, as it tends to nothing less than tarnishing the honorable character of the officers commanding in those parts, and to throw a false light on the commercial operations of the Russian-American Company, as well as on the legitimate and beneficent influence that its agents can exercise in those regions.

In order to fix the serious attention of the Imperial Government, such an accusation would have to be backed by some proof, or have at least the merit of probability. Not only no fact has been brought forth in support of such assertions, but all the circumstances concur on the contrary, to prove its falseness. First of all, Mr. Milbank must notice that, if in 1833, the agents of the Hudson Bay Company met with friendly dispositions on the part of the chief of one of the Indian tribes, it cannot be inferred that other Indians in the same region have viewed the project of the Company settling there with a favorable eye and is it not allowable to believe that they may have resolved to oppose it, without its being necessary for the Russian authorities to excite them to resistance?

Never, besides, have the Russians settled on the North-West coast allowed themselves to intrigue in that manner. It would be contrary to their own interests as well as against the very principle of their colonization. The Russian colonists do not distribute arms, ammunition or spirituous liquors to the natives, the trade of which is prohibited by Article IX of the Convention of 1825 *irrespective of territory;* still less would they consider themselves authorized to foment animosity among those tribes against any foreign nation. On the contrary, having formed on the north-west coast, durable settlements, the Russian-American Company is interested above all in inspiring pacific dispositions in the tribes, with which it has transactions and to excite among them habits of order and sociability, and consequently to avoid carefully all that might be contrary to such a system, and nothing contrary, undoubtedly, than excitations of the kind that Mr. Milbanke's note imputes to the agents of the Company.

The irritation of the natives against the projected settlement, can be explained, however, without its being necessary to attribute it to a foreign influence, by the very nature of their commercial operations and their interest in not having them disturbed. The Indians living in the interior of the Continent are principally occupied with beaver-hunting. They are accustomed to sell the product of that hunt to the tribes settled along the coast, who, in their turn make it the object of a more or less advantageous trade, either with the European settlements which exist on that coast, or with the vessels that visit it. This practice having continued to the present time, the natives must have become alarmed at the sight of a vessel bringing a numerous procession of enterprising "travellers" from Canada, and coming with the avowed intention of forming a settlement in the interior for the pur-

pose of beaver hunting as well as trading in skins. Neither the natives of the interior nor those of the coast could see this new settlement, without great apprehension, the first because it threatened to exclude them from a hunt they had been the only ones to follow up to the present time, the others, because they could not compete with the newcomers in their trading with the natives of the interior, and both, finally, because it affected their only means of subsistence.

During a stay of eleven days at the mouth of the Stakhine, Mr. Ogden must have had the time to find out the real state of affairs in this respect; he must have understood, though too late, how deceptive had been the friendly demonstrations showered on him during his first visit in those parts. Seeing the natives ready to unite in order to prevent the execution of his project by means of violence, he deemed it more prudent to give it up, and more expedient to attribute the cause of his disappointment to the Russian authorities.

These explanations will suffice to prove to the Minister Plenipotentiary of His Britannic Majesty that if the Imperial Government can not recognize the claims presented by the Hudson Bay Company as founded on right, it could still less admit the new allegations, by means of which the claimants have tried to support their demands.

But there is one circumstance on which the undersigned deems it his duty on this occasion, to call the attention of Mr. Milbanke. Since the period where foreign vessels, taking advantage of the right accorded to them by the conventions of 1824 and 1825, came to trade with the natives of the north-west coast, their operations have not always been confined within the limits assigned by these same conventions. With most of them, the things for exchange employed by them, were precisely those that Art. IX of the Convention with England had formally excluded from this trade. The English vessels did not remain strangers to this abuse. The depositions of Mr. Duncan, which are among the documents furnished by the Embassy of His Britannic Majesty, already prove that the sale of gun-powder was nothing unusual with English speculators in their exchanges with the natives. Other agents of the Hudson Bay Company, have not hesitated in acknowledging with the same frankness to the officers of the Russian settlements, that the sale of rum was for foreigners coming to this coast, the only branch of trade really advantageous and that, consequently, the English, were unable to refuse it. Therefore, in manifest violation of Article IX of the Convention, spirituous liquors, as well as gun-powder and fire-arms, have never ceased to figure among the articles of exchange given with profusion to the natives. This fact is notorious on the north west coast, and the correspondence of the Hudson Bay Company can, without doubt, if necessary, furnish more detailed proofs. In the mean time the prejudice to the Russian-American Company which resulted from it, is incalculable. Its regular trade suffered from a contraband against which no repressive measure was possible. On the other hand, the facility with which the natives found the way to get, through these aliens, powder and rum, which was refused them by the Russian settlements, estranged from them tribes with whom they had connection.

Up to the present time, the Imperial Government has abstained, in regard to the friendly relations that so happily subsist between the two countries, to formally notice the fraudulent practice that may have escaped the supervision of the Britannic Government. There-

fore the undersigned believes it his duty, for the present, to specially bring it to the attention of the Minister Plenipotentiary of England. However, if the British Government deemed it pertinent to subsequently support the claims in regard to the affair of the Stakhine, claims as groundless in their origin as they are exaggerated in their object, it must not be surprised that, on its side, the Imperial Government should no longer refuse its protection to the claims of the Russian-American Company, concerning the violation of article IX of the Convention of 1825 and that it reserves to itself the right to produce the claims of the said Company for a just reparation of the damages suffered by it as a result.

The undersigned avails himself of the occasion to renew, &c.

COUNT DE NESSELRODE.

The Governor of the Russian Colonies in America to the Commander of the Brig Chichagoff, Lieut. Zarembo, March 23, 1838 (No. 66).

[Translation.]

In the brig entrusted to you, you will sail this summer to the Kolosh Straits situated within our frontiers. The supplies for the Dionysius redoubt sent from this port must be delivered in the shortest time possible. This is why you should take your course direct from here to the straits; for your successful navigation through the narrows situated in this vicinity you will receive assistance from this port, which you will send back as soon as you will cease to need it.

On your arrival at Stakine, or soon after, you will probably see an English vessel destined for the river Stakine which they have a right to navigate. You will have only to present to her commander my statement with regard to this matter in English and French (and in Russian translation for your knowledge). Leave one of these papers in the redoubt for the purpose of presenting it to the English, while all the papers in foreign languages which exist there at present, I beg you to take and to forward to me. I beg of you to comply most accurately with the instructions given you with regard to prudence and courtesy towards the British, and see that the same is observed not only by your subordinates but by the manager of the redoubt and his command; in case, however, of any illicit acts of the English, endeavor to explain this to them, and, without using any arbitrary measures (on account of the mutual agreement of our Government and theirs in article XI of the convention) inform me of the fact immediately, notifying them of the same.

Your assistant, Mr. Lindenberg, has been appointed to this post in preference to others on account of his knowledge of the English language, consequently there can be no misunderstandings with regard to this. What I said last year in my instruction to you with regard to Mr. Lindenberg's establishment on the steamer during the navigation of the English up the river Stakine may be executed likewise at present, but only in case it can be done with delicacy and with their consent, as if done in consequence of Mr. Finlayson's invitation extended to me during his stay here.

The purpose of the navigation in the straits of the brig entrusted to you and her stay at the redoubt is the same as that of last year; therefore I will mention here: That in addition to your visit to Kaigan, Tongas and other harbors, where you may expect the putting in of

foreign merchant men, manage so that you may be able this summer to visit Chilkat and Taku for trading purposes with the inhabitants and for the survey and sounding in the proper manner of the mouths of these rivers (similar to the survey of the river Stackin made last year), so that it may be possible to judge of the possibility of navigating them, and also to examine in detail localities worthy of notice for the advantages of the Company and the navigation of its vessels. I beg of you not to lose sight of all this and reconnoiter with strictest accuracy all these localities as well as all the straits visited by you, while trading with the Kolosh, for the benefit of the Company for which purpose you are furnished with as much merchandise as could be given you according to your request.

I do not deem it superfluous to add that, according to information received by me, the Kolosh of the Kukhantan tribe from Chilkat intend to come to Stakine this summer for the purpose of avenging the murder of their tribesmen. Should this be true I beg of you to take all possible measures for the reconciliation of the warring parties; in addition to your mediation with regard to establishment of peace I recommend that you should see that none of the Russians should in any way whatever take part in or meddle with the affairs of the Kolosh under strictest responsibility.

In case you should meet in our straits a United Stafes vessel, I enclose herewith for presentation to the captain my statement in English and in French (and Russian translation) and three lists of questions.

I recommend you to be very economical with the powder on account of our present lack of it, by not using it for any unnecessary expenditure, as for holidays or salutes which may be avoided.

I enclose herewith the passport and roll of the complement of the brig *Chichagoff*.

Report of the Governor of the Russian colonies in America to the board of directors, May 1, 1838 (No. 192).

[Translation.]

Last year, when sending the brig *Chichagoff* to the Straits I instructed her commander, Lieut. Zarembo to detail his assistant, pilot Lindenberg, to make a detailed survey and soundings of the river Stakine from its mouth to the end of our possessions in the interior of the continent, which was executed by him with accuracy.

Moreover, Lindenberg made a similar survey of our newly discovered strait, named in honor of my predecessor, Strait Wrangell. I have the honor of forwarding to the Board of Directors the maps and journals of these two surveys, to be sent, according to existing regulations to the Bureau of the Hydrographer General, with the herewith enclosed map of all the Kolosh Straits situated within the Russian frontiers, made by pilot Lindenberg.

I do not deem it superfluous to inform the Board of Directors that Lieutenants Illiashevich and Mashin have made, during their leisure time, an accurate plan of the port of Novo Archangelsk. Supposing that there is none as yet in the office of the Board of Directors, I am herewith forwarding it likewise.

Mr. Milbanke to Count Nesselrode, October 6, 1838.

The Undersigned, Her Britannic Majesty's Minister Plenipotentiary, has not failed to lay before his Government the note which he had the honor to receive from His Excellency the Vice-Chancellor, Count Nesselrode, under date of the 28 April 10 May, 1838, upon the subject of the claims of the Hudson's Bay Co. to be indemnified for losses sustained by them, in consequence of the Russian authorities on the North West coast of America having stopped or turned away, an expedition fitted out by the Co. for the purpose of forming a settlement on the river Stikine, within the limits of the British Territory and the Undersigned has been ordered by his Government to make to Count Nesselrode the following observation in reply.

Count Nesselrode endeavours in his note to show: First, that no menace was used by the Russian authorities which could be sufficient to justify the agents of the Hudson's Bay Co. in abandoning the expedition; secondly, that a reasonable ground existed for the hostility displayed by the natives against the prosecution of the expedition, without imputing that hostility to Russian intrigues, the existence of which Count Nesselrode denies, and thirdly, that the discovery which the agents of the Co. made respecting the feelings of the natives, was the real cause which led those agents to desist from their attempt to prosecute the expedition. Count Nesselrode, moreover, intimates, that if the Hudson's Bay Co. continues to press their claim, the Russian Government will bring forward against the agents of that Co. an accusation of violating by their dealings with the natives, the 9th article of the convention of 1825, which excludes certain commodities from becoming objects of traffic in that quarter.

Now, to dispose in the first place of the latter of these points, the Undersigned is instructed to observe, that it is of little moment as bearing upon the justice of the British claim, to inquire, whether there really was any hostile feeling on the part of the natives with respect to the expedition; and whether such hostility, if it existed, was spontaneous, or was excited by the intrigues of the Russian Co.; and the Undersigned is likewise instructed to remark, that even if it were proved, that the agents of the H.'s B. Co. had been engaged in a prohibited traffic, that fact could have no bearing upon the present claim. But the Undersigned begs to remind Count Nesselrode of His Excellency's admission recorded in Lord Durham's note to H. Ex'y. of the 24th of March 1837, that the Russian Government had no cause to complain of the conduct of the British Co. in that respect; and it may well be doubted whether the British Co. could not make out, that the Russian Co. have engaged in the same prohibited traffic, to an equal, if not to a greater extent than it is even alleged, that the British Co has done. Upon this point, the Undersigned is further instructed to say, that the menace of bringing forward this accusation, in order to deter the Co. from prosecuting their claim, may not unreasonably be taken as an indication of a consciousness on the part of the Russian Govt, that if the claim is to be argued on its own intrinsic merits alone, the right of the Co. to the compensation which they ask for, would be indisputably established.

The Undersigned passes over with these observations the latter point of Count Nesselrode's note, but guards himself against the supposition that the British Government acquiesces either in the correctness

of the allegations made respecting those points, or in the conclusions drawn from those allegations; and he is directed to confine his further observations to the real question at issue, namely whether the expedition of the Co. to the Stikine River was put an end to by the interference of the Russian authorities.

The Undersigned has in the first place to state, that after the admission in Count Nesselrode's confidential note to Lord Durham of the 22 March 1837, that the Russian authorities did refuse to allow the expedition to proceed and that although circumstances might explain that refusal, yet those circumstances did not justify it; the British Government have been somewhat surprised to see, that Count Nesselrode's note of the 29 April 10 May, expresses a doubt whether that refusal was made at all. Count Nesselrode truly says, that the whole case hinges upon that circumstance, and as His Excellency had admitted the fact, there would scarcely seem to be any ground for further discussion.

Count Nesselrode professes, however, to examine impartially the proofs adduced on both sides, and rejecting as uncertain what is stated to have passed in verbal communications between the agents of the Co. and the Russian authorities, he rests the case of the Russian Government upon the written notifications made by those authorities; namely, by Lieutenant Sarembo, on the 10th and 18th of June 1834; by Captain Etolin on the 14 26 of June 1834 and by Baron Wrangel on the 19th of September 1834; which notifications Count Nesselrode maintains convey no intimation, that force would be employed to prevent the progress of the expedition.

But though Count Nesselrode's own admission as to the refusal made by the Russian authorities, is of itself sufficient to make out the British case, yet the British Government must contend, in reply to Count Nesselrode's last observations, that the language of the written notifications of the Russian authorities just referred to, was quite sufficient under all the circumstances of the case, to prevent the agents of the British Co. from proceeding with the expedition.

The words of Lieutenant Sarembo on the 10th of June were: "*I neither allow to enter the* river Stikine, in consequence of the Instructions received from the Chief Director Baron Wrangel." The words of the same officer and of the commander of the redoubt "Serge Moskoviteen" on the 10th of June were: "*It is prohibited* to the Commander of the said vessel to enter the river Stikine."

The words of Captain Estolin of the 14 26 of June were: "aucune permission ne peut résulter à cet égard," that is to pass up and down the Stikine, without reference to Baron Wrangel.

The words of Baron Wrangel on the 19th of September were: "j'ai donné ordre au Commandant de notre port à Stikine, par suite des prières des indigenes habitants dans nos frontières sur la rivière Stikine, de ne point y laisser pénétrer les étrangers, c. à. d. *de no point leur permettre l'entrée dans cette rivière;*" adding indeed, "agissant dans le sens du 11me. art. de la convention." Count Nesselrode appears to lay some stress upon this reference to the 11th art. of the convention, though a due regard to that article would have prevented the Russian authorities from offering any obstruction to the British expedition.

If indeed the instructions given by Baron Wrangel to his inferior officer, had been merely to protest against the entrance of the expedi-

tion in the Stikine river, the article of the convention would very naturally have been referred to; since the object of the article is to provide for the settlement of any points of difference, by discussion between the Governments instead of by the employment of force by the disputants on the spot and a Protest would be a natural foundation for such a discussion.

But the instruction was to *prevent* the entrance of the British expedition and prevention can only be effected by violence either done or threatened by parties on the spot; and it was impossible for the agents of the British Co. to draw any other conclusion from these reiterated declarations of a determination to prevent the expedition from proceeding than that force would be used if those declarations were not deferred to.

The Undersigned is not instructed to argue the question as to the manner in which a notification must be given by a ship of war, in order to possess the character of a menace, because the British Government cannot suppose, that the observation upon that point in Count Nesselrode's note is intended to be seriously insisted upon; with respect to the distinction drawn by Count Nesselrode between an armed vessel of the Imperial Navy and an armed vessel of the Russian Co., the Undersigned is only instructed to observe, that for the acts of that Co. the Russian Government must of course be responsible, unless the Russian Government is prepared to abandon the Russian Co. to such measures as the British Government may think fit to adopt against it, in order to obtain from the Co. itself the required redress. Neither is the Undersigned instructed to enter into a critical comparison of the relative forces of the vessel belonging to the H.'s B. Co. and of the armed Russian vessel, because that point is perfectly immaterial, unless the cabinet of St. Petersburg means to contend, that the matter in dispute would have been more conveniently settled on the spot by a conflict between the respective parties, notwithstanding that the convention of 1825 is specifically intended to prevent such local collisions. If such indeed be the view of the Russian Government of the course which would be the most conducive to the maintenance of the friendly relations between the two Countries, the British Fur Co. and Her M.'s Government would be at no loss to provide effectual means for preventing for the future, any similar interruption to the legitimate commerce of Her Majesty's subjects.

But the British Government consider that the agents of the Hudson's Bay Co. most properly abstained from resorting to an experiment which would have been no less contrary to the treaty of 1825, than it would have been at variance with the object for which the expedition was undertaken. That object was the prosecution of a legitimate and peaceful commerce; and persons engaged in such an enterprise may justly be held excused, if they are reluctant to hazard their own lives and that of others, in a hostile collision, when they have just reason to expect, that for the wrong done them, they will obtain redress at the hands of the Sovereign whose subjects have disregarded the engagements, which that Sovereign has solemnly entered into with a friendly state.

In conclusion, the Undersigned is intrusted to say, that the British Government cannot abandon the claim of the H.'s B. Co. for indemnification for its losses; and the undersigned has only further to express the confident hope of the British Govt., that the cabinet of St. Peters-

burg will no longer delay affording to that Co. the redress to which it is clearly and indisputably entitled.

The Undersigned avails himself of this opportunity to renew etc.

MILBANKE.

ST. PETERSBURG, *October 6th 1838.*

Count Nesselrode to Count Kankreen.

[Translation.]

ST. PETERSBURG, *December 9, 1838.*

EXCELLENCY: With the report of May 4th last I had the honor of forwarding to Your Excellency a copy of my note to the English Ambassador, in regard to the indemnification claimed by the Hudson's Bay Company for the losses accruing to that Company on account of the refusal to admit its ship into the Stakine river.

The arguments tending to put the matter in as favorable a light as possible for the Russian-American Company which were taken from Your report of April 14 (No. 1293), have not altered the conviction of the English Government, as to the justice of the Hudson's Bay Company's claim, as Your Excellency will perceive from the note of Mr. Milbanke, ex-Minister Plenipotentiary of Great Britain. That Government, on the contrary still claims, with an insistence greater than before, indemnification for the losses suffered by the afore-mentioned Company through the refusal by our Colonial authorities to permit the Dryad to enter the estuary of the Stakine.

As long as the British Government confined its argument to the circumstances attendant upon the action of our Colonial authorities in preventing Mr. Ogden from sailing up the Stakine river and, as long as its complaints were about the treaty made by us and about the agitation of the natives against the English traders, so long it was possible for us to deny their accusations for want of proof. At present the English Government perceives that all these circumstances, which have been the subject of a fruitless correspondence for more than three years, refer only indirectly to the root of the matter and do not effect the main point of their claim. This is in reality the fact, that our Colonial authorities,—contrary to the treaty,—issued the order prohibiting Mr. Ogden from sailing up the Stakine river to the English dominions, where he wished to establish a trading post, this being entirely within his rights. We cannot deny this fact and the English Government finds it at present superfluous to enter into details about the circumstances which accompanied it, because apart from them, as Mr. Milbanke observes, the prohibition of Mr. Ogden to sail further up the Stakine is an evident infringement of the plain stipulations of the Convention concluded between Russia and England, in consequence of which the British Government claims an indemnity for the losses suffered by the Hudson's Bay Company.

Moreover, personal interviews with Lord Clanricard have convinced me, that the British Government will never withdraw its demand for this indemnity and that the English Ministry would like even before the opening of the Parliament to obtain some satisfactory answer from us, in order to be able to answer any questions of the opposition in regard to the Stakine affair.

In bringing this to Your Excellency's notice, I consider it my duty to refer to my report of March 19th on which I had the honor of informing you, that His Imperial Majesty, after having duly considered the matter was pleased to admit that it would be more in accord with the rules of strict justice to admit the principles on which the claim is based and to enter into negotiations with the Hudson's Bay Company in regard to the amount of the indemnification claimed by the Company, rather than to continue a dispute, which we shall be obliged ultimately to give in to because the clear provisions of the treaty are not calculated to strengthen the side we have defended until now.

If in accordance with His Majesty's desire we have made the English Government any further secondary objections as for instance the pretended threats of Ogden to continue his voyage notwithstanding the expressed prohibition, etc.—these objections have only caused the English Government to put aside the examination of such secondary questions and to base their claims on the one and universally acknowledged fact of the prohibition itself which was made by the Russian-American Company to Mr. Ogden, contrary to the terms of the Treaty.

As the matter now stands, we are not likely to have any more plausible pretexts for further evading the claim for indemnity. Moreover, in view of the unusual urgency with which the English Government demands a prompt settlement of the affair, I take it upon myself to ask Your Excellency to consider whether it might not be advisable for the Russian-American Company to enter into friendly negotiations with the Hudson's Bay Company, looking towards such a settlement.

May I ask your Excellency to kindly inform me of Your opinion in regard to the matter, in order that I may report it to His Imperial Majesty and draw up the project of a note in reply to that of the English Ambassador.

I am, Sir, etc., COUNT NESSELRODE.

Report of the Governor to the General Board of the Russian American Company, May 1, 1838 (No. 228).

[Translation.]

With my permission there has lately been brought on the Brig *Action* from Stichine a Kolosh boy, four years of age, who was designated by the Koloshes for assassination at the funeral services which were to be held last January. The Stichine Chief Kuatkhe, however, yielding to our advice and Christian desire to prevent as far as possible murder which is usually committed by the Koloshes at funeral services in honor of their deceased relatives, and acting upon my repeated admonitions to the Koloshes whenever they met at my house that instead of assassinating their slaves they should trade them off and make some other sacrifice of the merchandise they received in exchange, he the said Chief Kuatkhe, remembering our said advice, showed himself the first example, as yet unheard of even among the Sitka Koloshes, and in lieu of assassinating his slaves released them, among them the above-mentioned boy, and made also other sacrifices in lieu of this bloody custom, whereby he has clearly demonstrated his friendship and respect for the Russians. For such an act, heretofore unexampled among the Koloshes, I could grant to Chief Kuatkhe

no other distinction except issuing to him a certificate (see protocol of February 6, of the current year, No. 18) as a token of my gratitude, for he had previously been granted, in recognition of his devotion to the Russians, the silver badge "Allies of Russia". In my opinion his last act deserves some exceptional mark of distinction, and I request the general board to obtain the same for him from the Government, and also to provide for similar distinctions to be granted to all like him who will act in the same manner, whereby this barbarity may be forever abolished among them and good results be accomplished.

The infant Kolosh released by Chief Kuatkhe has been baptized here according to the Greek-Russian rite and given the name Michael. I have instructed the New Archangel office to place him as a pupil at the boarding school located here, to be fed, clothed and taken care of by the Company. Perhaps in time this boy may serve as an important connecting link between us and the Koloshes for the gradual introduction of mild Christian habits among this barbarous people.

Journal of correspondence, 1839, No. 3. Kept during the voyage in the Straits and the tour of inspection to Redoubt St. Dionysius, from June 6, 1839 to June 23, 1839.

[Translation.]

Under date of June 21, 1839: The Russian American Company under His Imperial Majesty's most gracious protection Chief Governor of the Russian Colonies in America, Captain of the Naval Guards and Knight, Ivan Antonovich Kupreyanoff,

Certificate.

These presents are issued to Chief Tanakhk of the Stachine Kolosh with the silver badge "Russia's Allies" granted by me to him in the expectation that the said Chief Tanakhk will hereafter prove himself as worthy of such attention and distinction shown by me to him as he has heretofore done, by his attachment to and friendly disposition towards the Russians.

In testimony whereof these presents are issued to him over my signature and with my seal affixed hereto.

Redoubt St. Dionysius, June 21, 1839.

IVAN ANTONOVICH KUPREYANOF
Chief Governor of the Russian Colonies in America, Captain of My Most Gracious Lord His Imperial Majesty's Naval Guards, and Knight.

Report of the Board of Directors of the Russian American Company, December 20, 1839. (No. 1596.)

[Translation.]

To His Excellency General of Infantry, Member of the Council of State, Senator, Minister of Finance and Knight, Count EGOR FRANTZEVIOCH KANKREEN.

In accordance with Your Excellency's order of the 15th instant, No. 5283, following the Vice-Chancellor's report with regard to the note

of Mr. Milbank, the English Ambassador, concerning the claim of indemnity by the Hudson's Bay Company for the non-admission of its ship into the Stakine river, the Russian-American Company takes the liberty of presenting its opinion, based upon the contents of Mr. Milbank's last note, dated October 4th [6th] last. Without entering into particulars concerning the details which gave rise to the claim of the Hudson's Bay Company and led to a long correspondence, the Board refers to the essence of the claim which consists in the refusal to permit the English ship to enter the Stakine river.

The Commanders of the ship and of the fort belonging to the Russian-American Company were ordered by the Colonial Authorities not to permit a foreign ship to sail into the estuary strictly observing however Article XI of the Treaty, that is to say, to prohibit any ship from entering without using any forcible measures against such ship. Consequently it is clear, that the prohibition and the act of the non-admission of the ship into the river, had to be restricted to a written protest only, as any other measure would have been a breach of Article XI which Baron Wrangell had assured Mr. Ogden would be strictly fulfilled and which he had ordered the Commander of the Ship, Zarembo, and of the redoubt, Moskovitinov, to fully carry out. The Board of Directors admits neither the right nor the occasion to doubt the fulfilment of the above-mentioned order of the Colonial Authorities in regard of observing Art. XI and the facts of Mr. Ogden's having such a doubt ought not and cannot serve as a proof of the claim of the Hudson's Bay Company, because it is antagonistic to the precise and only meaning to be put on the answer given to Mr. Ogden by the Superintendent of our Colonies. If Mr. Ogden was led into such a groundless fear through his ignorance of the language and the vagueness of the negotiations when he met the Russian ship in the estuary of the Stakine, it ought to have been dispelled when Baron Wrangell declared to him by letter that Article XI would not be violated.

Our Colonial Authorities supposed they had well-grounded reasons for not allowing the ship to enter into the Stakine,—causes which Baron Wrangell pointed out in his declaration to Mr. Ogden, dated September 19th. These could have been disregarded by Mr. Ogden and he could have acted according to his own opinion as to what was his right, being certain that Article XI would not be transgressed.

Although the misapprehension of Baron Wrangell concerning the extent of the right granted to the English for free navigation, is not acknowledged by our Government to be justified, this misapprehension and the subsequent written prohibition, unaccompanied by the least shadow of violence towards the English, would not have caused them any other loss than perhaps that which might arise through the loss of Mr. Ogden's time, which would have passed in awaiting Baron Wrangell's clear and precise answer, dated September 19th and related to the consequences Mr. Ogden might have expected if he had entered the Stakine by order of his superiors. In this case no violence would be used against him.

In proof of the Russian-American Company's sincere wish to extinguish the claim of the Hudson's Bay Company, the Board of Directors is ready to enter into a friendly agreement on the afore-mentioned basis, namely: it is ready to make up for the losses suffered by the Company through keeping the crew of the brig *Dryad*, from the date of the brig's entering the estuary of the Stakine until September 19th, when Mr. Ogden received an explanation from the General Manager

of the Colonies, signed by him and assuring the English chief, that the prohibition being merely a written protest, he might act according to his own judgement without hinderance or fear of force. It would be a great injustice to claim that the Russian-American Company should indemnify the Hudson's Bay Company for any losses suffered by Mr. Ogden because he did not enjoy the rights that were assured to him after he had been promised that the XI Article of the Treaty would be strictly observed.[a]

The Board of Directors of the Russian-American Company, taking the liberty of presenting its opinion, leaves the matter to the decision of Your Excellency and begs you, Sir, to protect the Russian-American Company from such unjust as well as burdensome claims.

We have the honor of returning herewith the note of the English Ambassador to the Hudson's Bay Company.

The Board of Directors of the Russian-American Company considers it its duty to further report as follows:

Wishing to renew our friendly relations with the Hudson's Bay Company and come to an agreement in regard to our respective interests and avoid unpleasant collisions in the future, Rear-Admiral Baron Wrangell, a Member of the Board of Directors entered into correspondence with the Directors of the Hudson's Bay Company. This correspondence is, as yet quite unofficial and is principally for the purpose of preparing and facilitating the official negotiations through preliminary personal explanations. From this correspondence it is evident that the Hudson's Bay Company would consent to lease a part of our dominions, adjacent to their frontiers north and south from the Stakine river for a yearly rental to be paid in a fixed quantity of furs and for a definite term, say 20 years.

The Board of Directors thinks that, in order to avoid misunderstandings, it would be useful to grant to the Hudson's Bay Company the exclusive right of trading on the coast of the continent between latitude 54° 40′ and the estuary of the Cross Strait, for a yearly payment in furs, in such quantity as to assure the Russian-American Company against any loss from the arrangement. The Hudson's Bay Company would have the advantage of ridding itself of a dangerous rival in its fur trade with the natives. Moreover the Hudson's Bay Company proposes to supply the Colonies at moderate rates with a full yearly supply of goods and provisions. In order to settle this question it is the intention of the Hudson's Bay Company to send a member of the Company to Berlin or Hamburg, in the middle of January, to there meet a delegate of the Russian-American Company and definitely sign the treaty.

The Board of Directors thinks that in this manner the question in dispute would be satisfactorily solved for both parties. But supposing that they have no right to enter into official negotiations and to conclude a treaty without a special permission, the Board of Directors begs that this permission may be granted if it be found convenient to do so.

IVAN PROKOFIEF.
NIKOLAY KUSOF.
ANDREW SEVERIN.
Directors.

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[a] The present claim of the Hudson's Bay Company would be justified only if the English expedition had suffered through violence or if it had been declared that forcible measures would be used against it.

Count Nesselrode to Count Kankreen, January 4, 1839.

[Translation.]

SIR: Your Excellency was pleased to inform me on December 30, No. 5823, of the readiness of the Board of Directors of the Russian-American Company to enter into a friendly agreement with the Hudson's Bay Company, in regard to the indemnity claimed by the latter for refusing admission of a ship belonging to her into the Stakine River.

Moreover Your Excellency asked my opinion in regard to the proposal of the Board to lease to the Hudson's Bay Company for a fixed term that part of our dominions, adjacent to the English frontiers north and south of the Stakine river.

To this I have the honor to reply, that from a political point of view the wish to establish friendly relations with the Hudson's Bay Company through the lease of the above-mentioned territory, is in my opinion, worthy of the fullest consideration. In attaining this end we should gain the advantage of doing away with all rivalry in the fur trade and of putting an end to the frequent occasions of friction with the English and with the citizens of the United States of America which have already often led to unpleasant correspondence with those Governments.

This agreement would be especially desirable because it would enable us to avoid all further explanations with the Government of the United States as to its ceaseless demands, disadvantageous to our interests, for the renewal of Article IV of the Treaty of 1824, which granted to American ships the right of free navigation for ten years in all the seas and straits, adjacent to our dominions on the northwestern coast of America.

Seeing that this affair in itself, as well as on account of the particular circumstances connected with it admits no delay, I hasted to inform Your Excellency of my opinion in regard to it, in order that Your Excellency may issue the orders necessary to carry it into effect.

I am, Sir, etc.,

(Signed) COUNT NESSELRODE.

ST. PETERSBURG, *January 4, 1839.*

Report of Governor of Russian Colonies in America to the Board of Directors of the Russian American Company, April 20, 1839 (No. 139).

[Translation.]

During last year's stay of the brig *Chichigof* at Chilkat, for trading purposes with the Kolosh, according to my instruction, the Assistant Commander of the vessel pilot Lindenberg made a survey of the mouth of the river Chilcat. I have the honor of forwarding to the Board of Directors the map of this survey and the original journal kept by Lindenberg, as well as the promised partial map of the territory occupied by us in the vicinity of the Bay of Bodega, now called Khlebnikof Plains (new Ranch) and Chernykh Plains. I deem it not superfluous for the Board of Directors to possess this map for greater clearness with regard to this locality.

I also enclose a copy of the report of 2nd. Lieut. Orloff, of the Corps of Pilots to me of July 15, 1838, with regard to the inaccuracy found by him in the position of the island Chirikotan, the true latitude of which is determined at present by Mr. Orloff as 48° 59′ 36″ 2 N. and longitude 206° 28′ 18″ W. of Greenwich, according to the bearing off the island of Rawkock (?).

I deem it my duty to inform the Board of Directors that last winter partial maps of the Kolosh Straits situated within the Russian American frontiers were made here by my order of all localities which were completed at different times with regard to the already existing maps of Captain Vancouver, by the commanders of the vessels of the Russian American Company cruising there, especially Lieut. Captain Zarembo, to whose assistance I am greatly indebted during the execution of the above mission. I am not yet sending these maps to the Board of Directors, but they will be sent next year, as I hope to render them still more complete during this summer.

THE DRYAD AFFAIR.

Extract from Tikhmenief's Historical Review of the Russian-American Company, etc., Part I, pp. 264–270.

[Translation.]

In 1833, the Governor of the settlements of the Hudson Bay Company proposed to Baron Wrangel, the Chief Manager of the Russian Colonies, to establish a general trade in furs, in order, by this means, to prevent all competition on the part of the United States. Without positively declining the proposal of the Hudson Bay Company, Baron Wrangel instructed Captain-Lieutenant Atolin, who had been sent by him to the Kolosh Straits in the Brig *Tchichagoff*, to acquiesce in the operations of the English in their trading relations with the natives, but, at the same time, in other respects, to act entirely independently, and, among other things, to give the English to understand that the Russian-American Company would positively insist upon the strict observance of the terms of the Convention, and upon the rights which it had acquired, in accordance with which English vessels were not allowed to trade in the straits which were within the boundaries of the Russian possessions. Mr. Atolin, while examining the coast from Kaigan Strait to the Stachin River, studied with great care the advantages which the Company might derive from this region, and made acquaintance and established trade with the natives. In the meantime, news came to Baron Wrangel that soon after Mr. Atolin's visit, the English had come in boats, by the straits, to the mouth of the Stachin River, and after making a close examination of it, and taking soundings, had explored the river for some distance up its course. In addition to this, they had told the natives that they intended to establish a settlement higher up the river, which would trade with them, and would buy their furs and provisions at considerably higher prices than those paid by the Russians. These reports were the more credible in that an English settlement on the upper part of the river might stop the passage of the river otters to the sea-coast, down the Stachin, that is to say, within the Russian territory, from the English possessions, and, con-

sequently, would secure to the English advantages for the fur trade in their territory. Foreseeing the injury which would inevitably result to the Russian-American Company from the establishment by the English of a settlement on the Stachin River, together with full liberty to enter and leave the river, and to navigate the straits in our territory, (Art. 6 of the Convention of 1825), and relying upon that point in the Convention by which the right of English vessels to touch or stay at places where there are Russian settlements, except with the consent of the Governor of the settlement, was abandoned (Art. 2 of the Convention), the Chief Manager of the Colonies resolved to construct without the least delay a fort at the very mouth of the Stachin River. For this purpose, he sent, in 1834, two vessels, the brig *Tchichagoff* and the schooner *Chilkat*, and gave orders to Lieutenant Dionysius Zarembo, the commander of the former, not to permit the English to remain or come within our territory, but not to infringe the remaining provisions of the Convention.

For these reasons, the fort was built in Lat. 56° 40′ N. and Long. 132° 10′ E. from Greenwich, and was named Fort Dionysius. In order to carry on an uninterrupted trade in these regions, it was necessary, in addition to the fort on the Stachin River, to construct some fortifications northward to Chilkat Strait, named by Vancouver Lynn Channel. Only then would the advantages of this trade be secured, by the mutual assistance of these forts, in all respects and under all circumstances. The English, fearing the commercial superiority of the Russians in the districts coterminous with our territory, endeavored by every means to injure our trade and to arm the natives against us. They sent persons acquainted with the native language, to induce the natives to rise against the Russians, gave them arms, in a word employed every means to attain their ends. The efforts of the English were not unsuccessful. The hostile feelings of the savages were not long in displaying themselves, and their intentions to destroy the fort, were hardly concealed. Baron Wrangel ordered Lieutenant Zarembo to remain there with the brig until the arrival of another vessel to relieve him—and, through the exertions of Lieut. Zarembo, the attempts of the savages were defeated.

Subsequently, the English vessel *Dryad* arrived at the mouth of the Stachin River, in command of Ogden, an agent of the Hudson Bay Company, with men, cattle, merchandise, and other supplies, for the purpose of founding the settlement above referred to. The Russian redoubt barred, so to speak, the entrance of the English into the river. Mr. Ogden could not elude it. In order not to remain in front of the fort, and even then, with the help of his boats, it was necessary for him to go from there with his vessel and supplies, up the river. He then requested Mr. Zarembo's permission to do so, but this permission was finally refused. It must be remarked here that this refusal was confined to a written communication in which, among other things, it was stated that the 11th article of the Convention would be strictly observed, that is to say, that no violence would be employed on the part of the Russians, if Ogden persisted. Ogden, however, did not decide to enter the river, although, under the terms of the Convention, he had the full right to do so. He proceeded to Novo-Archangelsk to confer with Baron Wrangel, but, as he was likewise unsuccessful there in his solicitations, he notified the Directors of the Hudson Bay Company of the alleged violation of the Convention on the part of the Russian Colonial Government. That Company then, through its Gov-

ernment, demanded an indemnity for the losses which it had sustained, as it asserted, on this occasion, to the amount of 21,500 pounds sterling.

Our Ministry of Foreign Affairs, arguing from the strict meaning of the Convention, was compelled to admit that the Colonial Government was guilty, if not of an actual violation of the terms of the Treaty with the English, at all events, of some ambiguity in the notification given by the commander of the Russian vessel and the commander of the fort; and it saw no other course left than to comply with the English demands.

This matter was in this state when Baron Wrangel, who had returned to St. Petersburg from the Colonies, undertook to settle it, provided Mr. Simpson, one of the Directors of the Hudson Bay Company, were appointed a plenipotentiary on the part of England. The result of the negotiations, which took place at Hamburg in 1837, with the Emperor's permission, justified Baron Wrangel's expectations, which were based upon the belief that Mr. Simpson would be willing, for many reasons, to any agreement, rather than that there should be a rupture of the friendly relations between the Companies. He labored in person for many years in the territories of the Hudson Bay Company; he well knew how great an advantage the Russian-American Company possessed over the English in the regions in dispute; and consequently he could not help fearing to give the Russians cause to act, in their turn, to the injury of his own countrymen.

By the provisions of the Agreement concluded, the Russian-American Company, leased to the Hudson Bay Company, for the term of ten years, a strip of land in the Russian territory, 10 [Russian] miles in width, north and south of the Stachin River, that is to say, that part of the sea-coast from lat. 54° 40′ northwesterly, to a line drawn from Cape Spencer, on Cross Bay, to Mount Fairweather. The possession of this strip afforded the English this special advantage, independently of the prevention of any collisions and competition with the Russians, that it enabled the Hudson Bay Company to establish a uniform price for the furs which it obtained in barter from the natives, and thus greatly facilitated the supervision of its Colonial Government over the numerous posts under its jurisdiction.

[The author, after giving the general provisions of the agreement of lease, continues:]

This agreement received the Emperor's assent; and, at the time fixed, Fort Dionysius, together with the leased strip of land in the territory described, was turned over to the English.

Taking into consideration the fact, in the first place that, by means of this Agreement, the Company was spared the annual expense of the maintenance of Fort St. Dionysius and of the men serving in it, estimated to amount to 12,000 silver rubles; and, in the second place, that all occasion for hostile collisions between the agents of the Russian and the English companies, for mutual claims and rivalries, which are so dangerous in those remote regions, was removed; and, lastly, that, by this means, all ground for a renewal of the requests on the part of the Government of the United States for a continuance of the privilege granted to American vessels, of the right of free navigation in the seas and narrow waters (or straits) of our possessions, which right was incompatible with the interests of the colonies (Art. IV of the Treaty of 1824), was removed—it must be admitted that the lease of the strip of Russian territory to the Hudson Bay Company, on the above mentioned terms, was very advantageous to the Russian-American Company.

CENSUS OF INDIANS OF THE TRIBE KNOWN AS KOLOSHES, IN KNOWN SETTLEMENTS WITHIN THE LIMITS OF THE RUSSIAN POSSESSIONS.

Extract from Tikhmenief, Part II pp. 340–341.

[Translation.]

"The most important of the native tribes that inhabit the northwestern shore and main land of America, within the limits of the Russian possessions, must be called the tribe of the Koloshes, which occupied properly the space between the Straits of Vancouver and Chugatski Bay [Prince William Sound]. * * * The precise number of the Koloshes is not known. Some suppose that, including the most distant Koloshes, it amounts to 40,000. Others, among them Veniaminof, calculate that there are only 25,000. For our part, we present the number of Koloshes in known settlements, borrowed by us from the memorandum" (zapisck) of M. Verman:[a]

	Men.	Women.	Kalgof.[a] Men.	Kalgof.[a] Women.
In the Sitka settlements (near Novaarkangelsk)	715	535	51	44
Kutsnofski	280	280	20	20
Chilkatski	728	728	80	80
Kekofski	210	210	13	12
Takuski	335	337	20	20
Genufski	195	197	10	9
Tangaski	154	154	13	12
Icy Strait	154	154	13	10
Harbor of Asanki	56	56	3	3
Stakhine Settlement (near river of the same name)	308	308	41	40
Kaiganski Settlement (southern side of Prince of Wales Island)	280	280	99	99
Settlement on Ltua Bay	265	267	29	29
Yakutat Settlement	163	168	25	24
Total	3,974	3,700	[b]41	406

[a] Slaves.

[b] Should be 417. Error in original.

RUSSIAN AUTHORITY EXERCISED OVER THE INDIANS IN THE STAKHINE REGION.

Extract from Tikhmenief, Part II, p. 211.

[Translation.]

In order to maintain more perfect peace among the independent natives in the neighborhood of the Russian colony, and to acquire for the Company as much influence over them as possible, there was created, and confirmed by Imperial authority December 6 1842, the position of Chief Toyon [Toen] of the Koloshes. The duties of this position were imposed, by nomination of the Chief Administration of the Company, upon a baptized Kolosh named Michael Kukhkan, who was connected by blood relationship with the most respected members of the tribe.

A similar appointment of a Chief Toyon in the Stakhine [region] to fill the place of one who had retired, and its confirmation by the Colonial Administration, followed in 1862—last year.

[a] Captain-Lieutenant F. K. Verman Commanding the Ships of the Colonial Flotilla. (Part 2, p. 284, foot-note.)

From Report of the Chief Director of the Colony, November 15, 1862, Tikhmenief, Part II, pp. 210–11.

In the year 1846, the Dionisius Redoubt, left at the disposal of the English by the terms of the lease of the sea-coast strip of the Russian possessions, was besieged by the natives, who cut off all communications with it. The mere appearance in those waters of a steamer [of the Russian American Company] in compliance with a request for help from the commander of the fort, and the persuasion of envoys from our Company, were enough to bring the Koloshes to reason and put an end to a quarrel which, as the English themselves admitted, would probably have ended in the complete destruction of the fort. In like manner, no longer ago than 1862, one of the naval officers in the service of the Company, who, by order of the Chief Director of the Company, had been sent to the mouth of the Stakhine, was obliged to take measures to suppress disorders, which, notwithstanding the presence of an English war-steamer, had arisen between the natives and the English who were going to the gold placers discovered in the territories of the Hudson Bay Company. He [this naval officer] succeeded in getting a promise from the principal Stakhine toyon, and other elders, that order should be restored immediately.

Mr. Clay to Mr. Seward.

No. 163.] LEGATION OF THE UNITED STATES,
St. Petersburg, November 21, 1867.

SIR: I herein transmit to you a memorandum descriptive of the Russian imperial system of Russian America, (portage,) division of property, &c., marked AA.

I am, sir, your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

TRANSLATION OF THE RUSSIAN MEMORANDUM MARKED A A.

BY S. N. BUYNITZKY.

Explanatory memorandum in answer to the communication of the ministry of foreign affairs, department of interior relations, dated August 31, 1867, No. 5,790, pursuant to the communication addressed by Hon. W. H. Seward, Secretary of State, August 6 [20], 1867, to St. Petersburg, to the American envoy near the imperial court.

To the question concerning the system of division and measurement of landed property which was adopted by the imperial government in the late Russian American possessions:

The question, as stated by the government of the United States of America, has to be solved in two relations: first, in relation to *the natives* who occupied of yore the lands which composed the Russian American colonies; and, second, in relation to *the colonists* who had settled in that country after it had been included into the limits of Russian empire.

Adverting first to the *natives* or *aborigines*, we may divide them into two groups: the islanders and the inhabitants of the American continent.

* * * * * * *

Now, going over to the inhabitants of the American continent, we meet with phenomena completely different. Settlements nearest to the coast have many common features with the islanders, as well in respect of settled life as in respect of means of existence and trade; but, the deeper we advance into the continent of America, the more varies the character of the natives. The inhabitants of the coast, like those of the Aleutian islands, distinguish themselves by submissiveness, good-nature, and visible marks of social instinct; such are *the Kenayans, the Tshugaces, Kooskokvinians, and the Aglegomutes;* nearly all of them are Christians; they are of a rather gentle disposition, and lived in good understanding and constant intercourse with the Russians, so that the Russian American Company, in order to entertain friendly relations, and to induce the natives to carry on fur trade, yearly provided, upon the Kenayan coast, a supply of about ten thousand youkola, or dried fish. On the contrary, the further from the coast, the more rough and independent the character of the savages; every symptom not only of social, but even of settled life, disappears because these natives, having no other occupation but hunting, migrate in the track of game from one part to another, establishing but provisional settlements for winter season; to this class of savages must be numbered *the Caloshes, the "Toondras," the Coltshans, the Magmutes, the Agoolmutes or Koossilvakians, the Aziagmutes, the Malemutes, the Anghelics, the Kooyoukonians, and the Mednoretzes,* and, generally, the tribes inhabiting the islands of the Caloshian archipelago, the banks along Stakhin river mouth; along the rivers Kvikhpack, Kooskokvim, Kooyoucan, Shikhtalick and their tributaries, and the shore below and above the Straits of Behring. Most of these tribes live in primeval forests of such thickness that the only ways of communication are rivers, along the streams of which they travel in their "baydaras" (boats) during summer season, to trade, partly with neighboring savages, and partly with Russian redoubts and "odinotshkas," situated along the sea-coast, and at the mouth of Kvikhpack and Kooskokvim rivers. During winter these people accomplish their travels with "nartas" (sleighs) drawn by dogs, and reach as far as the grounds of the Tshuktches of Siberia, crossing upon ice the Strait of Behring. All these tribes are supplied with fire-arms and spirits, of which they are, like all savages, very fond—in part from English possessions, and in part by foreign transient ships. The Russian American Company hardly ever penetrated into the interior of the continent, and, owing to the wild character of its inhabitants, never established there any settlements; only for trading purposes, small factories, called redoubts and "odinotshkas," were established along the coast, preferably, near the bays and the mouths of large rivers. These factories generally consist of a roofed yard of moderate size, in which live the clerk of the company, with a few workmen out of the pacified natives, and where is stored a small supply of dried fish and some manufactured goods, wanted for the use of savages. Such is, in general features, the character of the Russian American continent.

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VISIT OF SIR GEORGE SIMPSON TO RUSSIAN AMERICA.

Extract from Narrative of a Journey Round the World during the years 1841 and 1842 by Sir George Simpson, London 1847, Vol. I.

[Page 209.] Next day, we passed through the Canal de Reveilla and Clarence Straits, respectively about thirty and fifty-four miles long. On the morning thereafter, having halted all night, on account of the narrowness of the channel, we passed through Stikine Straits into the little harbour of Fort Stikine, where, about eight o'clock, we were welcomed on shore by Mr. McLoughlin, junior. This establishment, originally founded by the Russian America Company, had been recently transferred to us on a lease of ten years, together with the right of hunting and trading in the continental territories of the association in question, as far up as Cross Sound. Russia, as the reader is, of course, aware, possesses on the mainland, between lat. 54°, 40′, and lat. 60°, only a strip, never exceeding thirty miles in depth; and this strip, in the absence of such an arrangement as has just been mentioned, renders the interior comparatively useless to England.

[Page 214.] At two in the afternoon we reached Taco, an estab-

lishment conducted by Dr. Kennedy, with an assistant and twenty-two men. Here the little harbour is almost land-locked by mountains, being partially exposed only to the south-east. One of the hills, near the fort, terminates in the form of a canoe, which serves as a barometer. A shroud of fog indicates rain; but the clear vision of the canoe itself is a sign of fair weather.

The fort, though it was only a year old, was yet very complete with good houses, lofty pickets, and strong bastions. The establishment was maintained chiefly on the flesh of the chevreuil, which is very fat, and has an excellent flavour. Some of these deer weigh as much as a hundred and fifty pounds each; and they are so numerous, that Taco has this year sent to market twelve hundred of their skins, being the handsome average of a deer a week for every inmate of the place. But extravagance in the eating of venison is here a very lucrative business, for the hide, after paying freight and charges, yields in London a profit on the prime cost of the whole animal.

Seven tribes, three of them living on islands, and four on the mainland, visit Taco. They muster about four thousand souls; and they are subdivisions of the Thlinkitts, speaking dialects of the language of that nation. These Indians were delighted to have us settled among them; and on this ground they viewed with much jealousy the visits of more distant savages, to whom they were desirous of acting as middlemen. As our interest and feeling in the matter were altogether different, this jealousy of theirs had sometimes occasioned misunderstandings between them and our people. On one occasion, Dr. Kennedy's assistant, having chased out of the fort a savage who had struck him, was immediately made prisoner; while the Doctor himself, who ran to his aid, shared a similar fate. Several shots were fired from the bastions, though without doing, and probably without intending to do, any mischief. And this was fortunate: for though Taco, with a running stream within its walls, was less at the mercy of the natives than Stikine, yet its people, in the event of any loss of life on the part of the savages, might have suffered severely from the workings of treacherous revenge. At length, the affair was amicably settled by ransoming the two captives with four blankets. Still, notwithstanding these little outbreaks, Kakeskie, chief of the home guards, had been a good friend to the trade; and accordingly, though he was absent, yet I ordered that a present should be made him, in my name, on his return.

* * * * * * *

After being detained at Taco from Wednesday afternoon to Saturday morning, by an interrupted storm of high wind and heavy rain, we started at daybreak, with about fifteen miles more of Stephen's Passage before us. Having accomplished this distance, we crossed the entrance of the Gulf of Taco, so called from its receiving the river of the same name. This stream, according to Mr. Douglas, who had ascended it for about thirty-five miles, pursued a serpentine course between stupendous mountains, which, with the exception of a few points of alluvial soil, rose abruptly from the water's edge with an uninviting surface of snow and ice. In spite of the rapidity of the current, the savages of the coast proceed about a hundred miles in canoes; and thence they trudge away on foot the same distance to an inland mart, where they drive a profitable business, as, middlemen, with the neighbouring tribes. Besides facilitating this traffic, one

of the best guarantees of peace, the establishment of our fort had done much to extinguish a branch of commerce of a very different tendency. Though some of the skins previously found their way from this neighborhood to Sitka and Stikine, yet most of them used to be devoted to the purchasing of slaves from the Indians of Kygarnie and Hood's Bay.

DISCOVERY AND EXPLORATION OF THE STIKINE.

Extract from report of an exploration in the Yukon district, &c., by George M. Dawson, D. S. F. G. S. (In geological and natural history survey of Canada, annual report, Vol. III, Part I, 1887–88, page 61 B.)

Early notices of the river.

Though the position of the Stikine is indicated on Vancouver's charts by the open channels of the river, and the shoals about its estuary are mapped, the existence of a large river was not recognized by that navigator, who visited this part of the coast in 1793. According to Mr. W. H. Dall, the river was first found by the fur traders. "The sloop *Dragon*, Captain Cleveland, visited the Stikine delta in April, 1799, and in the journal of the sloop *Eliza*, Captain Rowan, for the same year, we find the locality alluded to as 'Stikin.'" It was, no doubt, visited as well by many of the trading vessels which about this time frequented the coast.

Establishments of the Hudson Bay Co.

In 1834 the Hudson Bay Company fitted out a vessel named the *Dryad* for the purpose of establishing a post and colony at the mouth of the Stikine, but the Russians being apprised of this circumstance sent two small armed vessels to the spot, and constructed a defensive work which they named Fort Dionysius, on the site of the present town of Wrangell. Finding themselves thus forestalled, the Company retired. This dispute was compromised in 1837, when an arrangement was made by which the Company leased for a term of years all that part of the Russian territory which now constitutes the "coast strip" of Alaska, and the "fort" was handed over to the Company, the British flag being hoisted under a salute of seven guns in June, 1840. In the same year, the post, which had been renamed Fort Stikine by Sir James Douglas, was attacked by the Indians, and in the following year a still more serious attack was threatened, and averted only by the timely arrival of Sir George Simpson, as recorded in his "Narrative of a Journey Round the World" (II, p. 181). In 1847, the coast Indians (Thlinkit) are stated to have attacked and taken possession of the fort. In the spring of 1840, the Hudson Bay Company established also a second fort on this part of the coast which was named Fort Durham. This fort was situated at a place named by the late Sir James Douglas, "Locality Inlet," about thirty miles southward from the mouth of Taku River and near the entrance of the Inlet of the same name, in sight of Douglas Island. It was abandoned in the spring of 1843, and is sometimes referred to as Taku Fort.

Discovery of upper part of river.

Previous to this time, in 1834, Mr. J. McLeod, had in the interest of the Hudson Bay Company, reached the banks of the upper part of the Stikine, near Dease Lake, coming overland from the Mackenzie River. Subsequently, Mr. R. Campbell spent the winter of 1838–39 on Dease Lake, but established no fort on the Stikine.

Discovery of gold.

No further events of importance appear to have occurred in connection with the river till, in 1861, two miners named Choquette ("Buck") and Carpenter, discovered placer gold on its bars. In the following spring, some excitement being created by the announcement of this discovery, several prospecting parties were fitted out in Victoria, and a number of men passed the summer in mining on the river. In 1863, the Russian authorities, hearing of the discovery of gold, despatched the corvette *Rynda* to ascertain whether the mining was being carried on in Russian territory. A boat party from this vessel, under Lieutenant Pereleshin, ascended the river to a point a few miles above the Little Cañon, occupying May 23rd to June 1st on the expedition. Mr. W. P. Blake accompanied this party, and in addition to the sketch-map published by the Russians, his report on the Stikine, previously alluded to, is based on it.[a]

THE DRYAD AFFAIR.

Extracts from Alaska and its Resources, by William H. Dall, Boston, 1870.

1834. The Russian government, under the fourth article of the convention of 1824, withdrew the privilege of free navigation of their waters from American traders. This course was prompted by the sale of fire-arms and spirits to the natives by unscrupulous traders. The American Minister protested against the action of Russia, but without effect. The convention with Great Britain would terminate the following year. The insatiable Hudson Bay Company, ever ready to extend their traffic by force, or fraud if necessary, conceived the audacious idea of establishing a fort on the Russian territory before the term expired. They fitted out the vessel *Dryad* with colonists, cattle, and arms, and despatched her to the mouth of the Stikine River.

Baron Wrangell was informed of the project, and despatched Lieutenant Dionysius Zarémba, in the armed brig *Chichagoff* with the schooner *Chilkaht*, who built Fort Dionysius on a small harbor near the mouth of the Stikine, and thus checked the encroachments of the English, who were not suffered to land. The latter were very indignant, and declared that £20,000 had been spent in fitting out and loading the vessel, which was, no doubt, a gross exaggeration. Remonstrances were useless, and they were obliged to return to Fort Vancouver on the Columbia River, where they had been fitted out. This matter was immediately brought before the English government, who demanded satisfaction, through their agents, for an alleged infraction of the treaty of 1825.

ARTICLE FROM THE BRITISH COLONIST, VICTORIA, B. C.

From Archiv für Wissenschaftliche Kunde von Russland, by A. Erman, 1863, Vol. XXII, p. 47.

[Printed in Fur Seal Arbitration, (Congressional edition) vol. IV., British Case, Appendix Vol. I, p. 287.]

The information which we daily publish from the Stakine River very

[a] For Blake's Report *see* House Ex. Doc. No. 177, Part 2, Fortieth Congress, 2d session.

naturally excites public attention to a great extent. Whether the territory through which the river flows be considered in a political, commercial, or industrial light, there is a probability that in a short time there will be a still more general interest in the claim. Not only will the intervention of the Royal jurisdiction be demanded in order to give to it a complete form of government, but if the land proves to be as rich as there is now reason to believe it to be, it is not improbable that it will result in negotiations between England and Russia for the transfer of the sea-coast to the British Crown. It certainly is not acceptable that a stream like the Stakine, which for 170 to 190 miles is navigable for steamers, which waters a territory so rich in gold that it will allure thousands of men—certainly it is not desirable that the business of such a highway should reach the interior through a Russian door of 30 miles of coast. The English population which occupies the interior cannot be so easily managed by the Russians as the Stakine Indians of the coast manage the Indians of the interior. Our business must be in British hands. Our resources, our energies, our undertakings cannot be fully developed in building up a Russian emporium at the mouth of the Stakine. We must have for our productions a depôt over which the British flag waves. By the Treaty of 1825 the navigation of the river is secured to us. The navigation of the Mississippi was also open to the United States before the Louisiana purchase, but the growing strength of the North made the attainment of that territory either by purchase or by might an evident necessity. We look upon the sea-coast of the Stakine-land in the same light. The strip of land which stretches along from Portland Canal to Mount St. Elias, with a breadth of 30 miles, and which according to the Treaty of 1825 forms a part of Russian America, *must eventually become the property of Great Britain*, either as the direct result of the development of gold, or for reasons which are now yet in the beginning, but whose results are certain. For it is clearly undesirable that the strip 300 miles long and 30 miles wide, which is only used by the Russians for the collection of furs and walrus teeth, shall for ever control the entrance to our very extensive northern territory. It is a principle of England to acquire territory only as a point of defence. Canada, Nova Scotia, Malta, the Cape of Good Hope, and the great part of our Indian possessions were all acquired as defensive points. In Africa, India, and China the same rule is to-day followed by the Government. With a Power like Russia it would perhaps be more difficult to get ready, but if we need the sea-coast to help us in our business in the precious metals with the interior and for defence, then we must have it. The United States needed Florida and Louisiana, and they took them. We need the shore of New Norfolk and New Cornwall.

It is just as much the destiny of our Anglo-Norman race to possess the whole of Russian America, however wild and inhospitable it may be, as it has been the destiny of the Rusian Northmen to prevail over Northern Europe and Asia. As the Wandering Jew and his phantom in the tale of Eugène Sue, so will the Anglo Norman and the Russian yet look upon each other from the opposite side of Behring Straits. Between the two races the northern half of the Old and New World must be divided. America must be ours.

The present development of the precious metals in our hyperborean Eldorado will most probably hasten the annexation of the territory in question. It can hardly be doubted that the gold region of the Stakine

extends away to the western source of the Mackenzie. In this case the increase of the business and of the population will exceed our most sanguine expectations. Who shall reap the profit of this? The mouths of rivers have as well before as since the time of railroads controlled the business of the interior. For our national pride the thought, however, is unbearable that the Russian Eagle should possess a point which owes its importance to the British Lion. The mouth of the Stakine must be ours, or at least an outer harbour must be established on British soil from which our steamers can pass the Russian girdle. Fort Simpson, Dundas Land, Portland Canal, or some other convenient point, must be selected for this purpose. The necessity of speedy action in order to secure the control of the Stakine is apparent. If we let slip the opportunity, so shall we permit a Russian State to arrive at the door of a British Colony.

PAPERS RELATING TO THE CESSION AND TRANSFER OF ALASKA TO THE UNITED STATES IN 1867.[a]

Notes informally submitted to the chairman of the committee in the Senate, with the Alaska treaty, by the Secretary of State.

Probably this treaty stands alone in the history of diplomacy, as an important treaty conceived, initiated, prosecuted and completed, without being preceded or attended by protocols or despatches.

The archives of the State Department show a continuous progress and growth of friendship and cordiality between the United States and Russia, beginning with the establishment of the government. The late civil war, which disturbed, if it did not shatter to pieces the relations between the United States and most of the European states, was marked in its very beginning by demonstrations of sympathy and solicitude for the stability of the Union on the part of Russia. Care was taken on both sides to anticipate and prevent the happening of any incident that might tend to distress or embarrass the relations between the two countries.

It was verbally understood between the two governments that the United States would be at liberty, if they should find it necessary, to carry prizes into Russian ports. No confederate agent was ever received or encouraged or entertained at St. Petersburg. Such difficulties as occasionally arose out of complaints by the citizens and subjects of the two countries were amicably adjusted by verbal explanations without being made grounds for complaint or reclamation in writing.

The visit of the Russian fleet to the United States in the winter of 1863 was intended by the Emperor, and was accepted by the United States, as a demonstration of respect and good-will, and resulted in an increase of mutual regard and sympathy.

As early as 1861, the executive governments of the two countries came to an understanding to act in concert with a view to the establishment of a connection between San Francisco and St. Petersburg, by an interoceanic telegraph line across Behring's Straits. At a subsequent day Congress sanctioned and gave its co-operation to that policy.

On the 26th of December, 1864, the Secretary of State, by direction of the President, invited the Emperor of Russia to send his principal adviser, the Archduke Constantine, upon a visit to the United States, intimating an opinion that such a visit would be beneficial to the United States, and by no means unprofitable to Russia, and giving the assurance that the Archduke, coming as a national guest, would receive a cordial and most demonstrative welcome by the government and people of the United States. The then condition of domestic affairs in Russia prevented the acceptance of this invitation. A copy of the invitation is annexed.

The memorial of the legislature of Washington Territory to the

[a] Extracts from House Executive Document, No. 177, Fortieth Congress, Second Session, February 19, 1868, relating to the Treaty of March 30, 1867, and the transfer of Alaska to the United States.

President, received in February, 1866, was made an occasion, in general terms, for communicating to Mr. de Stoeckl the importance of some early and comprehensive arrangement between the two countries, to prevent the growth of difficulties arising out of the fisheries in the Russian possessions.

In the spring of 1866, Mr. Fox, late Assistant Secretary of the Navy, was made the bearer of the expressions of national sympathy with the Emperor, arising out of the attempt at his assassination. He was especially charged to express the most friendly feelings towards the government and people of Russia.

In the month of October, 1866, Mr. de Stoeckl, who had long been the Russian minister here, and enjoyed in a high degree the confidence of the government of the United States, went home on a leave of absence, promising his best exertions to facilitate the establishment of good relations upon a permanent basis. He returned to Washington early in the month of March last. The treaty for the cession of Russian America to the United States was concluded and signed on the 30th day of March last. A copy is annexed of the only two notes which passed between the negotiators before the final execution of the treaty.

Memorial of the legislature of Washington Territory to the President. Received February, 1866.

To his Excellency ANDREW JOHNSON,
President of the United States:

Your memorialists, the legislative assembly of Washington Territory, beg leave to show that abundance of codfish, halibut, and salmon, of excellent quality, have been found along the shores of the Russian possessions. Your memorialists respectfully request your Excellency to obtain such rights and privileges of the government of Russia as will enable our fishing vessels to visit the ports and harbors of its possessions to the end that fuel, water, and provisions may be easily obtained, that our sick and disabled fishermen may obtain sanitary assistance, together with the privilege of curing fish and repairing vessels in need of repairs. Your memorialists further request that the Treasury Department be instructed to forward to the collector of customs of this Puget sound district such fishing licenses, abstract-journals, and log-books as will enable our hardy fishermen to obtain the bounties now provided and paid to the fishermen in the Atlantic States. Your memorialists finally pray your Excellency to employ such ships as may be spared from the Pacific naval fleet in exploring and surveying the fishing banks known to navigators to exist along the Pacific coast from the Cortez bank to Behring straits. And, as in duty bound, your memorialists will ever pray.

Passed the house of representatives January 10, 1866.

EDWARD ELDRIDGE,
Speaker House of Representatives.

Passed the council January 13, 1866.

HARVEY K. HINES,
President of the Council.

Mr. Seward to Mr. de Stoeckl.

DEPARTMENT OF STATE,
Washington, March 23, 1867.

SIR: With reference to the proposed convention between our respective governments for a cession by Russia of her American territory to the United States, I have

the honor to acquaint you that I must insist upon that clause in the sixth article of the draught which declares the cession to be free and unincumbered by any reservations, privileges, franchises, grants, or possessions by any associated companies, whether corporate or incorporate, Russian or any other, &c., and must regard it as an ultimatum; with the President's approval, however, I will add two hundred thousand dollars to the consideration money on that account.

I avail myself of this occasion to offer to you a renewed assurance of my most distinguished consideration.

WILLIAM H. SEWARD,
Secretary of State.

Mr. EDWARD DE STOECKL, *&c.*

Mr. de Stoeckl to Mr. Seward.

[Translation.]

IMPERIAL LEGATION OF RUSSIA TO THE UNITED STATES,
Washington, March 25, 1867.

Mr. SECRETARY OF STATE: I have had the honor to receive the note which you were pleased to address to me on the 3d March, 1867, to inform me that the federal government insists that the clause inserted in article sixth of the project of convention must be strictly maintained, and that the territory to be ceded to the United States must be free from any arrangement and privileges conceded either by government or by companies.

In answer, I believe myself authorized, Mr. Secretary of State, to accede literally to this request on the conditions indicated in your note.

Please accept, Mr. Secretary of State, the assurances of my very high consideration.

STOECKL.

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States.

Mr. de Stoeckl to Mr. Seward.

[Translation.]

WASHINGTON, *March 29, 1867.*

Mr. SECRETARY OF STATE: I have the honor to inform you that by a telegram dated 16–28 of this month from St. Petersburg, Prince Gortchakoff informs me that his Majesty the Emperor of all Russias gives his consent to the cession of the Russian possessions on the American continent to the United States for the stipulated sum of seven millions two hundred thousand dollars in gold, and that his Majesty the Emperor invests me with full powers to negotiate and sign the treaty.

Please accept, Mr. Secretary of State, the assurance of my very high consideration.

STOECKL.

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States.

Mr. Seward to Mr. Clay.

No. 241.] DEPARTMENT OF STATE,
Washington, April 1, 1867.

SIR: I transmit for your information a copy of a treaty stipulating for the cession of Russian America to the United States, which instrument was signed here on the 30th ultimo by Mr. Stoeckl and myself, and has been laid before the Senate by the President.

I am your obedient servant,

WILLIAM H. SEWARD.

CASSIUS M. CLAY, Esq., *&c.*

Mr. Clay to Mr. Seward.

[Extract.]

No. 140.] LEGATION OF THE UNITED STATES,
St. Petersburg, Russia, May 10, 1867.

SIR: Your despatch No. 241, April 1, 1867, enclosing me the treaty between Russia and America, ceding us all Russian America, was duly received. I awaited the expression of European and Russian sentiments in reference thereto before answering you. I congratulate you upon this brilliant achievement which adds so vast a territory to our Union; whose ports, whose mines, whose waters, whose furs, whose fisheries, are of untold value, and whose fields will produce many grains, even wheat, and become, hereafter, in time, the seat of a hearty white population. I regard it as worth at least fifty millions of dollars; and, hereafter, the wonder will be that we ever got it at all. My attention was first called to this matter in 1863, when I came over the Atlantic with the Hon. Robert J. Walker, upon whom I impressed the importance of our ownership of the western coast of the Pacific, in connection with the vast trade which was springing up with China and Japan and the western islands. He told me that the Emperor Nicholas was willing to give us Russian America if we would close up our coast possessions to 54° 40′. But the slave interest, fearing this new accession of "free soil," yielded the point and let England into the great ocean. Since then, in connection with the necessity of our owning one end of a European telegraph line, quite independent of England, I have talked with, and I have urged the Russian authorities in a private way, to put the privileges of the Hudson Bay Company, sublet them by the Russian American Company, in our hands, with a view of having the natives friendly to us, and our telegraph line, &c., in case of war. And I trust I have added indirectly in this final cession, which, by your address and secrecy, took me with a most agreeable surprise.

There is now beginning to be a party of "ins" and "outs," as in America and England, and they (the "outs") have attempted to make interest against the administration by attacking the treaty. The Russians are very jealous of foreigners, and traditionally opposed to ceding territory, yet, in consequence of the good feeling everywhere prevailing in our favor, I regard the sale as popular. I have heard it said: "Well, we have sold to you too cheaply, but it's all in the family;" and others look upon it with favor because we are to be near their eastern

possessions, and as they regard us perpetual friends, in hopes that it may ultimately lead to the expulsion from the great Pacific of nations whose power in the east is justly feared.

* * * * * * *

Mr. Bodisco has come with the treaty.

Believe me truly, my dear sir, your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Seward to Mr. de Stoeckl.

DEPARTMENT OF STATE,
Washington, May 13, 1867.

SIR: I have the honor to inform you that Brigadier General Lovell H. Rousseau has been appointed by the President the commissioner on the part of the United States to receive, from the commissioner appointed on behalf of his Majesty the Emperor of all the Russias, the territory ceded to the United States by the treaty of the 30th of March last. A copy of the instructions which have been given to General Rousseau for his guidance in executing that trust is herewith communicated for your information and that of your government.

I avail myself of this occasion, sir, to offer to you a renewed assurance of my most distinguished consideration.

WILLIAM H. SEWARD,
Secretary of State.

Mr. EDWARD DE STOECKL, *&c.*

[Telegram received at War Department, Washington, May 23, 1867. Time 8.45 a. m.]

General Halleck to Mr. Stanton.

SAN FRANCISCO, CAL., *May 20, 1867.*

If the Russian American territory is to be occupied this year the troops should be sent there in June, or at least in July. I recommend the establishment, for the present, of four posts of one company each, viz:

1st. New Archangel, in Sitka bay.
2d. In Cook's inlet.
3d. On Kadiok island.
4th. On Onolaska island.

Probably the occupation of posts in Norton's sound, Bristol bay, and on the Youcan river, had better be postponed till next year. Not more than four companies can well be spared from the troops now on the coast for services in the new territory.

H. W. HALLECK, *Major General.*

Hon. EDWIN M. STANTON,
Secretary of War.

Mr. Seward to Mr. Stanton.

DEPARTMENT OF STATE,
Washington, May 25, 1867.

SIR: I have read Major General Halleck's dispatch of the 20th instant.

The exchange of ratifications of the Russian American treaty is expected to be made not later than the 30th of June. The Russian minister expects commissioners to come here from St. Petersburg to make formal delivery of the territory soon after the exchange of ratifications. Those commissioners will proceed hence to San Francisco, and the journey will occupy some time. Troops need not be sent before the formal delivery of possession is made by the commissioners. I think that the commissioners of both parties may be expected to be able to leave San Francisco as early as the 25th of July. My present thought is that Major General Halleck, or Major General McDowell, ought to be instructed to proceed to Russian America as commissioner to receive the delivery of the Territory. In that case the troops could probably go with the military commissioner.

The Secretary of the Navy informs me that he will order a suitable ship of war to convey the commissioners, and I suppose that he will also furnish the necessary transports. Would you be good enough to confer with him on the subject?

Giving you these facts for your information, I have now to submit the expediency of your making such reply to Major General Halleck as you shall deem discreet and proper.

I am, &c.,

WILLIAM H. SEWARD.

Hon. E. M. STANTON,
Secretary of War.

Mr. Clay to Mr. Seward.

No. 147.] LEGATION OF THE UNITED STATES,
St. Petersburg, Russia, July 5, 1867.

SIR: You were not, perhaps, aware, when you made the Russian treaty of cession, that the Russian American Fur Company kept soldiers and defended the territory of Russian America. So the words, "fortifications, barracks, &c., not private individual property," would convey nothing to us, although no doubt you intended to buy all of those. I write now to inform you that there has been an understanding between the Russian government and the Russian American Company, and it is expected that you will claim all military posts, &c., and this they will grant, I doubt not, if insisted on. The other franchises of the Russian American Company had expired by time in this year, and were not renewed. As a matter of fact, I believe that the Russian American Company kept soldiers at every place of occupation, saw-mills, ice-works, &c., but these could hardly be construed to be "fortifications or barracks," in equity.

My object is simply to give you some idea of the facts, which may be of use to you, in settling with the commissioner of the Russian government, who will deliver over the property to us.

I am, sir, your most obedient servant,

C. M. CLAY.

Hon. W. H. SEWARD,
Secretary of State, Washington, D. C., U. S. A.

Mr. Seward to Mr. Clay.

No. 257.] DEPARTMENT OF STATE,
Washington, July 23, 1867.

SIR: I have received your despatch of the 5th instant, relating to the construction of the treaty of cession, and thank you for your attention.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

General CASSIUS M. CLAY, *&c.*

Mr. Seward to Mr. de Stoeckl.

DEPARTMENT OF STATE,
Washington, August 13, 1867.

SIR: I have the honor to inform you that Brigadier General Lovell H. Rousseau has been appointed by the President the commissioner on the part of the United States to receive from the commissioner appointed on behalf of his Majesty the Emperor of all the Russias the territory ceded to the United States by the treaty of the 30th of March last. A copy of the instructions which have been given to General Rousseau for his guidance in executing that trust is herewith communicated for your information and that of your government.

I avail myself of this occasion, sir, to offer to you a renewed assurance of my most distinguished consideration.

WILLIAM H. SEWARD.

Mr. EDWARD DE STOECKL, *&c.*

EXECUTIVE MANSION,
Washington, August 7, 1867.

Brigadier General LOVELL H. ROUSSEAU, *of Kentucky:*

You are hereby appointed agent on behalf of the United States to receive from the agents of his Majesty the Emperor of all the Russias the territory, dominion, property, dependencies, and appurtenances which are ceded by his Imperial Majesty to the United States, under the treaty concerning the cession of the Russian possessions in North America, concluded March 30, 1867. A copy of the treaty is herewith communicated for your information and government.

In witness whereof I have hereunto signed my name and caused the seal of the United States to be affixed.

ANDREW JOHNSON.

By the President:
WILLIAM H. SEWARD,
Secretary of State.

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, California, November 25, 1867.

GENERAL: I transmit herewith copies of my instructions of September 6 and 24, in regard to the military district of Alaska.

I learn from General Rousseau that the formal transfer of the territory to the United States took place on the 18th of October.

I have received no official despatches from General Davis, but learn from other sources that his troops were landed immediately upon the formal transfer of the territory, and that they are comfortably housed in Sitka. It is doubtful whether I shall be able to communicate with General Davis again during the winter.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major General, Commanding.

ADJUTANT GENERAL *of the Army, Washington, D. C.*

Official:

R. WILLIAMS,
Assistant Adjutant General.

THE NEGOTIATION, IN ITS ORIGIN AND COMPLETION.

Extract from speech of Hon. Charles Sumner of Massachusetts, on the cession of Russian America to the United States.

I am not able to say when the idea of this cession first took shape. I have heard that it was as long ago as the administration of Mr. Polk. It is within my knowledge that the Russian government was sounded on the subject during the administration of Mr. Buchanan. This was done through Mr. Gwin, at the time senator of California, and Mr. Appleton, Assistant Secretary of State. For this purpose the former had more than one interview with the Russian minister at Washington some time in December, 1859, in which, while professing to speak for the President unofficially, he represented "that Russia was too far off to make the most of these possessions; and that, as we are near, we can derive more from them." In reply to an inquiry of the Russian minister Mr. Gwin said that "the United States could go as high as $5,000,000 for the purchase," on which the former made no comment. Mr. Appleton, on another occasion, said to the minister that "the President thought that the acquisition would be very profitable to the States on the Pacific; that he was ready to follow it up, but wished to know in advance if Russia was ready to cede; that if she were, he would confer with his cabinet and influential members of Congress." All this was unofficial; but it was promptly communicated to the Russian government, who seem to have taken it into careful consideration. Prince Gortschakow, in a despatch which reached here early in the summer of 1860, said that "the offer was not what might have been expected; but that it merited mature reflection; that the minister of finance was about to inquire into the condition of these possessions, after which Russia would be in a condition to treat." The prince added for himself that "he was by no means satisfied personally that it would be for the interest of Russia politically to alienate these possessions; that the only consideration which could make the scales incline that way would be the prospect of great financial advantages; but that the sum of $5,000,000 does not seem in any way to represent the real value of these possessions;" and he concluded by asking the minister to tell Mr. Appleton and Senator Gwin that the sum offered was not considered "an equitable equivalent." The subject was submerged by the presidential election which was approach-

ing, and then by the rebellion. It will be observed that this attempt was at a time when politicians who believed in the perpetuity of slavery still had power. Mr. Buchanan was President, and he employed as his intermediary a well-known sympathizer with slavery, who shortly afterward became a rebel. Had Russia been willing, it is doubtful if this controlling interest would have sanctioned any acquisition too far north for slavery.

Meanwhile the rebellion was brought to an end, and peaceful enterprise was renewed, which on the Pacific coast was directed toward the Russian possessions. Our people there, wishing new facilities to obtain fish, fur, and ice, sought the intervention of the national government. The legislature of Washington Territory, in the winter of 1866, adopted a memorial to the President of the United States, entitled "in reference to the cod and other fisheries," as follows:[a]

* * * * * * *

This memorial, on its presentation to the President in February, 1866, was referred to the Secretary of State, by whom it was communicated to Mr. de Stoeckl, the Russian minister, with remarks on the importance of some early and comprehensive arrangement between the two powers in order to prevent the growth of difficulties, especially from the fisheries in that region.

Shortly afterwards another influence was felt. Mr. Cole, who had been recently elected to the Senate from California, acting in behalf of certain persons in that State, sought to obtain from the Russian government a license or franchise to gather furs in a portion of its American possessions. The charter of the Russian American Company was about to expire. This company had already underlet to the Hudson Bay Company all its franchise on the main land between 54° 40′ and Mount St. Elias; and now it was proposed that an American company, holding direct from the Russian government, should be substituted for the latter. The mighty Hudson Bay Company, with its headquarters in London, was to give way to an American company, with its headquarters in California. Among the letters on this subject addressed to Mr. Cole, and now before me, is one dated at San Francisco, April 10, 1866, in which this scheme is developed as follows:

There is at the present time a good chance to organize a fur trading company to trade between the United States and the Russian possessions in America, and as the charter formerly granted to the Hudson Bay Company has expired this would be the opportune moment to start in. * * * * I should think that by a little management this charter could be obtained from the Russian government for ourselves, as I do not think they are very willing to renew the charter of the Hudson Bay Company, and I think they would give the preference to an American company, especially if the company should pay to the Russian government five per cent. on the gross proceeds of their transactions, and also aid in civilizing and ameliorating the condition of the Indians by employing missionaries, if required by the Russian government. For the faithful performance of the above we ask a charter for the term of twenty-five years, to be renewed for the same length of time, if the Russian government finds the company deserving; the charter to invest us with the right of trading in all the country between the British American line and the Russian archipelago. * * * * Remember, we wish for the same charter as was formerly granted to the Hudson Bay Company, and we offer in return more than they did.

Another correspondent of Mr. Cole, under date of San Francisco, 17th September, 1866, wrote as follows:

I have talked with a man who has been on the coast and in the trade for ten years past, and he says it is much more valuable than I have supposed, and I think it very important to obtain it if possible.

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[a] For memorial see *ante* page 325.

The Russian minister at Washington, whom Mr. Cole saw repeatedly upon this subject, was not authorized to act, and the latter, after conference with the Department of State, was induced to address Mr. Clay, minister of the United States at St. Petersburg, who laid the application before the Russian government. This was an important step. A letter from Mr. Clay, dated at St. Petersburg, as late as 1st February, 1867, makes the following revelation:

> The Russian government has already ceded away its rights in Russian America for a term of years, and the Russo-American Company has also ceded the same to the Hudson Bay Company. This lease expires in June next, and the president of the Russo-American Company tells me that they have been in correspondence with the Hudson Bay Company about a renewal of the lease for another term of twenty-five or thirty years. Until he receives a definite answer he cannot enter into negotiations with us or your California company. My opinion is that if he can get off with the Hudson Bay Company he will do so, when we can make some arrangements with the Russo-American Company.

Some time had elapsed since the original attempt of Mr. Gwin, also a senator from California, and it is probable that the Russian government had obtained information which enabled it to see its way more clearly. It will be remembered that Prince Gortschakow had promised an inquiry, and it is known that in 1861 Captain Lieutenant Golowin, of the Russian navy, made a detailed report on these possessions. Mr. Cole had the advantage of his predecessor. There is reason to believe, also, that the administration of the fur company had not been entirely satisfactory, so that there were well-founded hesitations with regard to the renewal of its franchise. Meanwhile, in October, 1866, Mr. de Stoeckl, who had long been the Russian minister at Washington, and enjoyed in a high degree the confidence of our government, returned home on a leave of absence, promising his best exertions to promote good relations between the two countries. While he was at St. Petersburg the applications from the United States were under consideration; but the Russian government was disinclined to any minor arrangement of the character proposed. Obviously something like a crisis was at hand with regard to these possessions. The existing government was not adequate. The franchises granted there were about to terminate. Something must be done. As Mr. de Stoeckl was leaving in February to return to his post, the Archduke Constantine, the brother and chief adviser of the Emperor, handed him a map with the lines in our treaty marked upon it, and told him he might treat for this cession. The minister arrived in Washington early in March. A negotiation was opened at once with our government. Final instructions were received by the Atlantic cable from St. Petersburg on the 29th March, and at four o'clock on the morning of the 30th March this important treaty was signed by Mr. Seward on the part of the United States and by Mr. de Stoeckl on the part of Russia.

Few treaties have been conceived, initiated, prosecuted, and completed in so simple a manner without protocols or despatches. The whole negotiation will be seen in its result, unless we except two brief notes, which constitute all that passed between the negotiators. These have an interest general and special, and I conclude the history of this transaction by reading them.[a]

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[a] For notes, see *ante* page 325.

Report of General J. C. Davis upon the transfer of Alaska to the United States.

HEAD QUARTERS MILITARY DIST. OF ALASKA,
New Archangel, A. T., Nov^r 12th, 1867.

MAJOR: I have the honor to submit the following official report of the expedition of United States Troops under my command, designated to occupy "Russian America;" now the Military District of Alaska: also such incidents worthy of record, as have occurred since our arrival here. The Steamer *John L. Stephens* with the Command and stores on board left the Wharf at San Francisco on the evening of the 25th of September. * * *

* *. * The harbor of New Archangel was reached the 9th, but the ship was only able to get to her proper anchorage, on the morning of the 10th the following day I went ashore and called upon Prince Maksoutoff the Russian Governor and was politely received by him—during the interview I made arrangements for the landing of our animals upon one of the little Islands in the harbor. The animals were landed during the two succeeding days in small boats or flats. The troops were retained on the vessel in accordance with my instructions; patiently awaiting the coming of the Commissioners of transfer, until the morning of the 18th, when the pleasing intelligence of their safe arrival was announced throughout the harbor and town. I lost no time in calling upon the Commissioners and informing them of my readiness to take any part in the ceremonies of transfer they might desire, also, urged as much despatch in making the transfer as was compatible with their duties. It was soon decided to make the transfer the same evening (the 18th). The troops were soon and easily landed in small boats, mostly furnished and manned from the ships of War lying in the harbor. These ships were the *Ossippee*, *Ressaca* and *Jamestown;* Commanded by Captains Emmons, Bradford and McDougal. The troops were formed near the flag-staff bearing the Imperial flag of Russia, in front of the Governor's house. The Russian troops were shortly afterwards formed on the same ground at 4 o'clock P. M. the time agreed upon by the Commissioners, the Russian flag was lowered. The troops of both nations coming to a present arms, and the Artillery of both Nations firing a salute—the Americans leading off: a few minutes after, our National flag was run up and saluted in like manner, the Russians taking the lead—thus ended the ceremonies. The territory and dominion of Russian America were formally declared ours. Next came the business of designating the property which should be turned over with the territory. * * * The sailing vessel *Czarowitch* leaves for San Francisco to-day, giving us an opportunity to write. I forwarded by the *Stepens* all our monthly reports and papers due, up to the last of October.

I am very respectfully, Your Obdt. Servant,

(Signed) JEFF. C. DAVIS
Bvt. Maj. General Commanding.

Major J. P. SHERBURNE
Adjt. General Department of California,
San Francisco, Cal.

ACCOUNT OF THE TRANSFER OF ALASKA TO THE UNITED STATES.

[From the Special Correspondent of the *Alta*, San Francisco, Cal.]

SITKA, *October 18, 1867.*

EDITORS ALTA: During last night guns were heard in the distance by the sailors, and during the breakfast hour the *Ossipee* appeared in the outer harbor. At eleven o'clock she came to anchor in our midst. She had left San Francisco only two days after the *John L. Stephens*, reached Victoria in good time, and left there for Sitka the same day that our steamer left Nanaimo.

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In view of the unavoidable discomforts on shipboard, General Davis was desirous that arrangements should be made to put the soldiers in quarters on shore at the earliest practicable time. Soon after, he personally conferred with the commissioners, and they decided that the ceremony of the transfer of the Russian colonies in North America to the United States should take place at half-past three this afternoon, at the governor's house—this edifice being the capitol under the existing government.

Prince Maksoutoff, the governor, gave orders that the Russian military force, consisting of a company of one hundred men, should appear in uniform at three; and General Davis directed the military on the *John L. Stephens* to be landed in full dress at the same hour. A flag, forwarded by the State Department for this occasion, was intrusted to a "guard of honor," consisting of twenty men. The afternoon, though partially cloudy, was pleasant.

At three o'clock the Russian troops formed on the parapet in front of the governor's house, on the right of the government flag-staff, a fir mast, 100 feet high. At the same moment, our troops embarked in the launches belonging to the men-of-war, the boat of General Davis, with the flag and guard of honor, taking the lead. This movement covered the little harbor with boats, and the sheen of the muskets, the uniforms of the officers, with the dark and lofty mountains as a background, presented a novel and impressive picture. A short row, and the stars and stripes were landed for the first time on our new territory. As soon as the soldiers were all landed, General Davis, with the guard of honor, proceeded to the governor's house, the latter taking their position on the left, in front of the flag-staff. Our soldiers now filed past, and took their position on the left of the Russians, the latter presenting arms, and ours returning the salute.

The battalion of United States troops was commanded by Brevet Major C. O. Wood, of the ninth infantry; the guard of honor by Lieutenant J. E. Eastman, of the second artillery; company H, of the second artillery, was commanded by Brevet Captain J. B. McIntire; company F, of the ninth infantry, by Lieutenant M. C. Foot; Lieutenant C. P. Eagan, of the ninth infantry, and Lieutenant B. W. Livermore, second artillery, were with their respective companies. General Davis was attended by the members of his staff, Brevet Lieutenant Colonel G. H. Weeks, assistant quartermaster; Assistant Surgeon A. H. Hoff; and Lieutenant S. H. Kenney, assistant adjutant general. The Russian infantry were commanded by Captain Helrousky.

The Russian soldiery were dressed in a dark uniform, trimmed with red, with flat, glazed caps. Here, in Sitka, they are employed as day-

laborers on working days; but on holidays, which, under the Russian *régime*, number eighty-six annually, in addition to Sundays, they are frequently called out on drill, and by this means become familiar with ordinary military evolutions. The United States troops appeared in the usual full dress.

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At half-past three Prince Maksoutoff, and the commissioners, General Rousseau and Captain Pestchouroff, appeared, and taking their position near the flag-staff were saluted by the military. Captain Pestchouroff then gave the signal to lower the Russian flag. As soon as it began to move down the staff a gun thundered from the *Ossipee*, the ship of the senior officer of our squadron. A moment after it was answered by a gun from the Russian battery. These guns were fired alternately, first by us and then by them, until twenty-one guns were fired by each. When the flag had descended one-third of the distance, it caught fast upon the yardarm. One of the governor's marines ascending disengaged it, and it dropped down upon the heads of the Russian soldiers, as if seeking a home with those who were its appointed defenders. Captain Pestchouroff, turning to the American commissioner, General Rousseau, said: "By the authority of his Majesty the Emperor of all the Russias, I transfer to you, the agent of the United States, all the territory and dominion now possessed by his Majesty on the continent of America and in the adjacent islands, according to a treaty made between these two powers."

General Rousseau replied: "I accept from you, as agent of his Majesty the Emperor of all the Russias, the territory and dominion which you have transferred to me, as commissioner on the part of the United States to receive the same."

Our flag was now bent to the halliards by two American sailors, and George Lovell Rousseau, a lad of fifteen and son of General Rousseau, assisted by a midshipman, raised the "Stars and Stripes" slowly and surely to the head of the staff. A gun thundered from the Russian battery, answered by one from our ship. The firing was alternate, as before, until each had fired the national salute.

The Russian eagle had now given place to the American, and the national colors floated over a new, wide-spread territory. Our dominion now borders on a new ocean, and almost touches the old continent—Asia. Democratic institutions now extend over an area hitherto the possession of a despotic government. The occasion inspired the soul of every American present, and as the officers retired three mighty cheers were given, and we all rejoiced that we now stood on American soil.

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Report of the Hon. Hugh McCulloch, Secretary of the Treasury, on Alaska, accompanying the President's message replying to resolution of the House of Representatives on the 19th of December, 1867.

TREASURY DEPARTMENT,
February 1, 1868.

SIR: I have the honor to transmit herewith, to be communicated to the House of Representatives, in partial response to their resolution of inquiry addressed to you on the 19th of December last, of which a

copy was referred to this department by the Secretary of State on the 8th ultimo, the results of a cruise to the waters of the territory recently acquired from Russia, undertaken during the past summer by the steam revenue cutter *Lincoln*, under orders from this department. The primary object of the cruise was to afford protection to the revenue during the period of doubtful and uncertain jurisdiction between the ratification of the treaty and the formal occupation of the country. Advantage was taken of the occasion to procure information regarding the characteristics and resources of the country. A large number of specimens in the various branches of natural history have been collected which will be deposited at the Smithsonian Institution. A portion of them are already there.

Inquiries respecting the new territory have been instituted by the department in other directions, but the results of them are not yet in condition to be transmitted. They will, however, be submitted as soon as possible; it is hoped within a few weeks.

I am, sir, very respectfully, your obedient servant,

H. McCULLOCH,
Secretary of the Treasury.

His Excellency the PRESIDENT.

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TREASURY DEPARTMENT, *June 4, 1867.*

SIR: You will proceed without delay to San Francisco, and take charge of the steamer revenue cutter *Lincoln*, commanded by Captain White, which has been designated to make a voyage to Sitka, and the Russian possessions in America, lately ceded to the United States, to acquire a knowledge of the country with a view to the due protection of the revenue when it shall have become a part of the United States, and for the information of Congress and the people.

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I am, sir, very respectfully,

H. McCULLOCH,
Secretary of the Treasury.

Captain W. A. HOWARD,
Revenue Cutter Service, New York City.

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UNITED STATES REVENUE STEAMER LINCOLN.

SIR: I respectfully continue my report carried forward to 23d September [1867].* In daily, in fact, hourly, expectation of the arrival of the commissioners and treasury agent with instructions for me, I remained very impatiently until 8th October, when I got under way and proceeded to Redoubt, said to be an excellent harbor and a very superior fishing station, east of this port.

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Knowing the *Ossipee* was a very slow steamer, I determined to proceed at once to Chilcate, the head of Chatham straits, mouth of Chilcate

* For complete report, see House Executive Document, No. 177, Fortieth Congress, Second Session, p. 195, et seq.

river, held by the most powerful tribe, and perhaps the most warlike and troublesome on the coast, (this was also the terminus of the Hudson Bay Company's trading in Russian possessions north,) hoping to return in time to receive the commissioner and assist in the ceremonies of hoisting the flag of the United States.

On the 13th October blowing hard, with rain. We got under way and proceeded towards Peril straits, en route for Chilcate. At 7 p. m., being very dark and stormy, anchored in a narrow passage in six (6) fathoms of water, good holding ground. On the morning of the 14th pleasant weather; passed through Peril straits and anchored at the entrance of Chatham sound. Meeting a canoe, I sent a message to the chief, living not far distant, to meet me at our anchorage that night, which he did. I found him one of the most sensible and considerate Indians I had ever met. I entertained him in my cabin, explaining to him that the Bostons (Americans) had purchased the country from Russia, showed him the flag, which he promised to respect and protect. He said, "Perhaps better for Indians; perhaps not." The Russians had always been good friends, and the King George men (English) had at stated times sent ships to trade with them for furs, supplying them with powder, ball, blankets, and shirts. Would we do the same? On my assurance that we would, he was satisfied. He had brought in his canoe some potatoes for sale. He wished to know if the Boston chief would accept them to eat, but if too small for him (me) would he accept them for the crew? I, of course, could not refuse them. On his departure he thanked me for the "good talk," would tell his people to be friends with the Bostons. I made him a present of some tobacco, powder and lead for his rifle; he left well satisfied, promising to watch for the ship on returning and bring some deer, which he did.

* * * * * * *

At 6 a. m. barometer 29° 10′, thick and raining; up anchor and stood into and up Chatham sound towards Chilcate; found the English and Russian charts all wrong per compass and otherwise. We steered from point to point as they came in view, and at 3 p. m. anchored where we supposed Chilcate was or should be. Soon appeared ten or twelve canoes and came alongside; permitted some of the Indians to come on board. I was informed by a small chief they were at war with their own head chief, who was up the river at the main village, twelve hours' paddle. I would not treat with him as head chief, as he desired, but explained to him the fact of the purchase of the country, &c., &c. I made him, however, suitable presents of tobacco, bread and molasses, but no liquor, very much to his disgust. He left with his party not quite well pleased with their *gains*. I had contrived to get a runner, unknown to this chief, to inform the head chief of our arrival, and invite him to a talk.

This being an important point for the coast survey, preparations were made on a small island, (God's island,) near the ship, for a set of sights; the latter part of the night being propitious, some good ones were obtained.

Next morning, 17th October, blowing too fresh to send a boat from the ship; towards noon, however, it died out; I sounded round God's island; found good anchorage and shelter.

At 1.30 five large war canoes came alongside, one with the Hudson Bay Company's flag flying, and *Jack*, pilot and interpreter in full uniform of an English officer, came on board. The head chief soon

arrived with his wife, (daughter of the great chief of the Stikines,) and were received in the cabin, where I had a long "talk" with him. He is a very quarrelsome Indian, and tries one's patience exceedingly. Whiskey not being given him he was much incensed and said, "If I had no presents, coats, trowsers and shirts, why come? Talk without whiskey was nothing; s'pose plenty whiskey and presents, then talk good."

I was well aware of the character of this chief, and knew it was necessary to secure his good opinion and friendship for the Bostons, (Americans,) otherwise it would be unsafe for any small trader with the flag of the United States to go there.

I felt exceedingly the want of presents for such occasions. I had not, however, asked the department for any, nor the power to purchase. Whiskey I had but would not give him any, knowing it was the intention of the department to prohibit all traffic in it.

After an hour's talk he was convinced the ship was not a trader, but the great American (Boston) chief sent to talk with him; that presents would be made him, provided he was true to the new flag; also being assured that traders would come at the proper seasons. Presenting him with a handsome and new overcoat, lined with red broadcloth, and fully trimmed with braid, tobacco, molasses and biscuit, an American flag and staff, which was fitted in the bow of his canoe, he departed much better disposed than I had anticipated. Several minor chiefs and friends of his ("Chatsquit") were made suitable presents, and all departed at sunset, kindly disposed towards their new rulers. The United States flag was hoisted at Chilcate within a few minutes of the time it was hoisted at New Archangel, as it was afterwards ascertained. Having attained the object of our visit, I next day steamed down Chatham sound towards New Archangel, picking up as promised the Indian chief with a canoe loaded with venison, which was purchased for the ship's company. This night, being unable to find anchorage, kept under way all night.

At 1.30 p. m. on the 19th October anchored in New Archangel, with the flag of the Union flying over the government house. Having performed the necessary visits of ceremony to the new and the past governments, I turned my attention to the remaining duties assigned me.

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On the morning of November 1, entered Clarence strait, or sound, and proceeded direct to the mouth of the Stikene river; at 2 p. m. anchored in Highfield harbor. I went on shore in the barge, and found Captain Forsaith, acting inspector of customs, and two persons in charge of a Union Telegraph station, with 500 miles telegraph wire and a large quantity of supplies belonging to the said company. I had sent Captain Forsaith here, in charge of the goods on board the Hudson Bay Company's steamer *Otter*, in transitu for their posts in the interior. As this is one of the most important points on this coast, (mainland,) in our new possessions, I directed Captain Forsaith to remain. (See letter, November 2.) En route to the village I met the principal chief, Shakes, going on board, with his wife; I received them on board my barge, and carried them on board the *Lincoln*. I entered at once into the most friendly relations with this young chief. He had a very bad felon on his hand, which Surgeon Kellogg lanced, which freed him from great pain. Everything he had was at our service, at reasonable rates. Very few of his people were at home, how-

ever, the greater portion having gone hunting and fishing for their winter supplies. I authorized this chief, at his own request, to seize the whiskey sellers, taking them and their vessels at once to Captain Forsaith. I have no doubt he will do it, being impressed with the fact of the injurious tendency of whiskey among his tribe. I gave him an American flag and a paper recognizing him as "Con-mis-ta," son of Shakes, the principal chief of the Stikene tribe.

I should have endeavored to go up the river with the *Lincoln*, had the weather been suitable. From the best information I could obtain, I could have proceeded about thirty (30) miles from the mouth, to a station established, since our purchase, by the Hudson Bay Company, it is said, directly on our line. Four American miners, from 120 miles up this river, applied for passage to Puget sound, which was granted them. They reported favorably of the Stikene; said they had made each five hundred (500) dollars clear of all expenses. They would return in the spring with provisions and implements for future operations.

At 5 a. m., November 3, under way, steaming through Clarence strait nearly all day, with heavy but short snow squalls. At 7 p. m. run into Ward's harbor, (entrance of Torgas channel,) and anchored in twelve fathoms, muddy bottom; a perfect harbor, 84 miles from Stikene river.

On the 4th, at 5½ a. m., left Ward's harbor, stood down Clarence strait, entering Dixon's passage, our southern boundary line, at 4 p. m., crossed it, and entered the harbor of Fort Simpson, and anchored.

Thus ended the observatory cruise of the *Lincoln*, regretting so little has been effected, by the lateness of the season, the extremely boisterous and rainy weather, as also the tardiness of the commissioners, which kept us many days that might have been employed in examining the eastern archipelago and the main shores bordering on British Columbia.

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Having stated, in detail, each and every movement of the *Lincoln*, it now becomes my duty to reply to the following queries, viz:

1. The most available channels of commerce, the probable haunts of smugglers, and the most suitable points for custom-houses and revenue stations.

The most available channels for commerce are through Dixon's entrance, up Chatham strait, Clarence strait, Frederick sound, Lynn channel, to the mouth of Chilcate, New Archangel; Copper river, Cook's inlet, Kodiak, and Ounalashka, through Akentan pass into Behrings' sea—into Illilook or Captain's harbor; all of which afford the best harbors.

The haunts of smugglers, at present, are mostly confined to the Prince of Wales archipelago, from the Stikene to the head of Lynn's canal and mouth of Chilcate—in fact, among all the islands and rivers comprised in the Hudson Bay Company's lease from the Russian Company; they are, however, extending to Cook's inlet and Kodiak.

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W. A. HOWARD,
Capt. U. S. Rev. Marine, Special Agent Treasury Department, Commanding Alaska Expedition.

Hon. HUGH MCCULLOCH,
Secretary of the Treasury, Washington, D. C.

[Coast Survey Report, 1867.]

U. S. COAST SURVEY STATION,
San Francisco, California, November 30, 1867.

DEAR SIR:—I herewith submit the report of the operations of my party on the geographical reconnaissance of Alaska.

* * * * * * *

Geographical determinations depending upon the field computation of Assistant Mosman's astronomical observations are given for the stations occupied.

The general coast map, not yet finished, is compiled from the maps of Tebenkoff, from manuscript maps, kindly furnished me by Prince Maksoutoff, governor of the late Russian colonies, and from examinations of my own.

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* * * Under your instructions I left New York on the 11th of June, and as no vessel under my direction was specially assigned for this work, they contemplated my receiving transportation and assistance from the United States revenue cutter Lincoln, then under orders to proceed to Alaska upon special duty of the Treasury Department. Captain William A. Howard, United States revenue cutter service, had the sole direction of the vessel's movement in the execution of his special duties, and received from the honorable Secretary of the Treasury "instructions, in accordance with your request, to receive on board the Lincoln, a Coast Survey party of five officers with their instruments, equipments, and such supplies as they may consider necessary for the voyage, and also to render every assistance and facility in his power to enable them to carry out the instructions of the Coast Survey office."

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On the 21st of July we left San Francisco with strong head winds and heavy sea for thirty-six hours, quite sufficient to change the stationary rates of the chronometers. The subsequent weather was beautiful, and as the vessels kept the coast close aboard I had a very favorable opportunity of refreshing my memory with the appearance of the coast and coast range, making additional descriptions for the directory of the Pacific coast of the United States.

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THE COAST OF ALASKA—GENERAL DESCRIPTION.

The Pacific coast of Alaska commences at the southward, in latitude 54° 40′, forming the north shores of Dixon sound, and sweeps in a long, regular curve to the northward and westward for 550 miles, to the vicinity of the entrance of Prince William's sound, and thence 725 miles southward and westward to the extremity of Alaska peninsula, where the line of islands generally known as the Aleutian stretch towards the coast of Kamtschatka in a long curve, with the convexity to the south.

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From Dixon's sound, in 54° 40′, to the Chilkaht, in 59° 14′, the main land is guarded by a vast archipelago of very large islands, most of them having high mountains throughout, and all covered with a

dense growth of large spruce and cedar. The dimensions of this assemblage of islands averages about seventy-five miles east and west, and two hundred and sixty-five miles north-northwest and south-southeast, divided by numerous navigable passages, one of which, named by Vancouver Chatham straits, stretches in a strait line one hundred and ninety-five miles nearly north-northwest from Cape Ominaney, in latitude 56° 10′, to the mouth of the Chilkaht, in latitude 59° 14′, with an average width of seven or eight miles, and great depth of water. * * *

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FUR-BEARING ANIMALS.

Of the number and value of the different varieties of skins obtained from the Indians by the Russian American Company, it is impossible to form an opinion, as the very existence of their trade depended upon the secrecy with which it was conducted. That the company has been able to maintain a large establishment in persons and material is strong circumstantial proof of the value of the trade. The almost absurdly small amount of trading articles paid to the Indians for their most valuable skins is so marvellously low that it would astonish those who have to pay such enormous prices for the manufactured furs in our large cities. The company itself must realize over a thousand per cent. upon the first cost of the skins, and then the Coast Indians are not engaged solely in hunting, but act as intertraders between the company's agents and the interior Indians, who are never permitted to visit the coast. The Hudson Bay Company has had a purchased right to trade in certain localities on this coast, and their traders have availed themselves to the uttermost to obtain the greatest possible supplies. From the mouth of the Chilkaht alone they took this year over twenty-three hundred martens or Hudson bay sables.

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DETAILED DESCRIPTION OF CAPES, BAYS, HARBORS, ISLANDS, &C.

It would be almost impossible within reasonable limits, and certainly beyond the labor of one person in the time allowed, to give a detailed description of the great numbers of known harbors and anchorages, rocks, islands, and points that abound in the Alexander archipelago. Indeed so numerous are they that many of them are yet unexplored or known only in general characteristics to the trader. From Icy strait and the mouth of the Chilkaht to the head of Puget sound this great labyrinth of waters stands unequalled in the world for safe and bold inland navigation. * * *

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PORTLAND CANAL.

This extensive arm of Dixon sound forms the southeastern dividing line between British Columbia and Alaska; commences in latitude 54° 41′ according to Vancouver's map, and the entrance lies between Point Maskelyne, on the mainland near Fort Simpson, and Point Wales, upon an island lying northwest from Point Maskelyne. Vancouver places the latter in latitude 54° 42½′, longitude 150° 15′ west, (vol. 1, p. 327,) while the position of Point Wales from the map is in 54° 41½′,

and longitude 150° 20′. "The entrance is not more than two and a half miles across, and this, at the distance of a few miles, seemed to be materially contracted." From the entrance the canal runs north 35° east twenty miles, with an average width of three miles, with channels breaking off to the east and west, where it receives Observatory inlet, a large branch which come about forty miles from the north-northeast. The north point dividing the inlet from the canal was named by Vancouver, Point Ramsden, and placed in latitude 54° 59′, and longitude 149° 57½′ west, (page 336). At first, when entering upon the survey of the canal and inlet, Vancouver was "uncertain which to consider the main branch." (Vol. 2, p. 330.)

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STAKEEN RIVER.

This river is reported by the Russian American Telegraph Company to be navigable for boats for one hundred and fifty miles, to the mouth of the great cañon, where the river bursts through a narrow gorge three hundred feet deep, and said to be only seven feet across at the top. but wide as the present bed of the stream.

Glaciers come down to the river in several places from the flanks of the mountains, but all of them come down upon the right bank of the stream.

The general course of this river is laid down on the photographic maps forwarded to you, and on larger maps obtained from the Russian American Telegraph Company.

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TAKOÚ RIVER.

From the northeast part of Stephen's strait an arm runs north by east for fifteen miles, receiving the river Takoú, up which the Hudson Bay Company carry their supplies to the interior.

CHILCAHT RIVER.

North of Admiralty island the Chatham strait is usually designated Lynn canal, at the head of which enters Chilcaht river on the west, separated by Seduction tongue from a deep bay on the east.

The astronomical station of the coast survey was on the small treeless islet off the mouth of Chilcaht, and Mr. Mosman found the position to differ from the survey of Lindenberg of the Russian American Company. The correction in latitude is seven miles. The field computation places the above islet in latitude 59° 12′ 15″, and longitude 135° 25′ 54″, assuming the longitude of Sitka to be correct.

The Chilkaht river has a bar at its mouth that is bare at low tide, and the influence of the tides is felt but a few miles above the bar. An Indian village of twelve large houses exists inside the bar on the left or eastern bank of the river.

A sketch of Chilcaht river and approaches, showing anchorages, &c., is given on the Russian map No. 10, of the Pacific series. The bottom is a very tenacious blue mud, affording capital holding ground.

* * * * * * *

I have yet a large amount of interesting information to communicate during the reduction of our observations for the determination of

geographical positions, upon the probability of islands in the Gulf of Alaska and adjacent waters, currents, &c. It will, however, require much time and study to place it in proper shape, but will be communicated as early as practicable.

* * * * * * *

I have not incorporated my proposed plan of operations for the Coast Survey work demanded on the coast of the new territory, where new means and methods must be devised to insure progress with the necessary precision of the Coast Survey, because, upon reflection, I have thought it advisable to develop it in a separate communication in detail, that would have little interest outside the organization of the work.

Very respectfully and truly yours,

GEORGE DAVIDSON,
Assistant United States Coast Survey.

Prof. BENJAMIN PEIRCE,
Superintendent U. S. Coast Survey, Washington, D. C.

PAPERS RELATING TO AMERICAN OCCUPATION.

THE OCCUPATION OF ALASKA BY UNITED STATES TROOPS IN 1867 AND THEIR WITHDRAWAL FROM THAT COUNTRY IN 1877.

Report of Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,
Washington, March 31, 1903.

The first troops that were ordered to Alaska consisted of 275 men, rank and file. They proceeded there under the command of Bvt. Maj. Gen. J. C. Davis, colonel Twenty-third Infantry. A post was established at Sitka, October 29, 1867. General Davis accompanied Brig. Gen. Lovell H. Rousseau, U. S. Army, who had been appointed by the President commissioner on behalf of the Government of the United States to receive from a similar officer appointed on behalf of the Imperial Government of Russia the territory ceded by that Government to the United States pursuant to the treaty of March 30, 1867. The formal transfer of the ceded territory took place at 3.30 p. m., October 18, 1867, at Sitka, and the military, commanded by General Davis, took formal possession of the country, property, archives, etc.

The only post occupied by the troops in 1867 was Sitka, but during the next three years Forts Kenay, Kodiak, Tongas, and Wrangell were established. In the last two years of the military occupation Sitka and Fort Wrangell only were maintained. The troops were finally withdrawn from Alaska Territory on June 14, 1877. The reason for the withdrawal was that the protection of the Government property and the preservation of public peace and order could be more economically and more efficiently done by naval or revenue vessels.

An agreement was reached between the Secretary of War and the Secretary of the Treasury that a revenue cutter should take the place of the troops on the departure of the latter from Alaska. This agreement was carried out, as shown by the following General Orders No. 1, Headquarters Military Division of the Pacific, April 23, 1877:

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC
AND DEPARTMENT OF CALIFORNIA,
GENERAL ORDERS, } *San Francisco, Cal., April 23, 1877.*
No. 1. }

1. The following is published for the information of all concerned:

WAR DEPARTMENT,
Washington City, April 10, 1877.

Gen. WILLIAM T. SHERMAN, *Commanding U. S. Army.*

GENERAL: By direction of the President, the United States troops now in garrison at certain posts in the Territory of Alaska will be withdrawn upon the arrival of the revenue cutter now fitting out under the control of the Treasury Department, and which is expected to arrive in Alaskan waters about the 15th of May. So much of the public property in charge of the military officers as can not be removed will be turned over to the captain of the revenue cutter, or such other official of the Treasury Department as may be designated, of which due notice will be given you, and upon the departure of the troops all control of the military department over affairs in Alaska will cease.

The troops will be ordered to such posts in the military division of the Pacific as the commanding general, with your approval, may designate.

Very respectfully, your obedient servant,

GEORGE W. MCCRARY,
Secretary of War.

The first revenue cutter sent to Alaska under this agreement was the *Richard Rush*, which was subsequently followed by the *Thomas Corwin*, and later on by the *Oliver Wolcott*.

Appended hereto are extracts from the official correspondence and records of this Department, relating to the operations of the military authorities in the Territory, and especially those connected with the Indians on the mainland of southeastern Alaska.

Respectfully submitted.

H. C. CORBIN,
Major-General,
Adjutant-General, U. S. Army.

Instructions to Lieut. Col. Robert. N. Scott.

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, Cal., September 3, 1867.

Brevet Lieut. Col. R. N. SCOTT,
U. S. Army, Aid-de-Camp, etc.

COLONEL: After completing your inspection duties at San Juan Island, you will proceed to Victoria and New Westminster, and collect such information as you can obtain in regard to the tribe of Indians on and near the boundary between British Columbia and the Russian-American possessions recently ceded to us—their numbers,

locations, character, disposition, whether hostile or friendly toward white settlers, etc.

As it will be for the interest of British Columbia as well as the United States that pacific relations should be maintained with all these Indians who live near the boundaries of the two Governments, it is presumed that the officers of Her Majesty in British Columbia will facilitate your inquiries in regard to this matter. You will explain to them the object of your visit, and you are authorized to show these instructions to Governor Seymour, whom you will assure of our earnest desire to maintain peaceful relations with the native tribes in his colony, as well as in our own territory. The prosperity of both must depend, in a great measure, upon our securing this result.

It is said that Indians living near the boundary line between northern British Columbia and the ceded Russian-American possessions have made several hostile incursions into the settlements in British Columbia and Washington Territory, which hostile incursions might have been checked or prevented by proper military force in the vicinity of Fort Simpson or Portland Canal. To accomplish this object it may be necessary for the United States to establish a military post within their own territory, on the north side of Portland Canal. You will carefully inquire into this matter.

You will also inquire respecting the character of the Indians on Stakeen River, and report whether, in your opinion, it is necessary or desirable for us to establish a military post at the mouth of that river. You will also report what measures the authorities of British Columbia advise, or have taken, to maintain peace between these Indians and the whites, with the object of a cordial cooperation on our part toward securing that result.

Should you have the time and opportunity, you will extend your investigations to the tribal Indians who occupy the islands and coast, east of Sitka. It is probable that our people will attempt settlements here, and farther north toward Cooks Inlet, next year. Should such settlement of the ceded country be resisted by the Indians in our own territory, or in British Columbia, a serious Indian war, with numerous complications, may ensue. It is therefore desirable for all parties that every proper measure should be taken to anticipate and prevent such results.

Very respectfully, your obedient servant,

(Signed) H. W. Halleck,
Major-General, Commanding.

Official:

Robert N. Scott,
Brevet Lieutenant-Colonel and Aid-de-Camp.

Colonel Scott's report on the Indians, 1867.

Headquarters Military Division of the Pacific,
San Francisco, Cal., November 12, 1867.

Bvt. Maj. Gen. James B. Fry,
Adjutant-General Military Division of the Pacific.

General: In compliance with letter of instructions from Major-General Halleck, dated September 3, and under authority given in

your telegram of September 30, I have visited Victoria, New Westminster, and Fort Simpson, British Columbia, and, for reasons appearing hereafter, I extended my journey to the north side of Portland Channel—in our new territory.

Inclosure marked "A" exhibits the numbers and location of the Indians on and near the boundary between British Columbia and the Russian-American possessions recently ceded to the United States. For this information I am mainly indebted to Mr. Cunningham (the Hudson Bay Company's agent on Naas River), whom I met at Fort Simpson.

The total number of British Indians on and near the boundary may safely be estimated at 6,800. The American tribes on and near the same line number 2,000 souls. As a rule these Indians—bound together by trading interests and family connections—are friendly to each other. They are also generally well disposed toward the whites, whether "Bostons" or "King George men." The Indians understand perfectly well that it is for their interest to have competition for the furs, skins, fish, etc., which they offer for sale or barter. These articles command much higher prices since the Hudson Bay Company's monopoly expired. The officers of that corporation complain that their business has been very much injured by outside traders, who are generally Americans, and assign as a reason that it is only from such parties that the Indians can buy liquor. There is no doubt much force in this reasoning, but American enterprise has quite as much to do with the success of these traders as American whisky.

The Kakes, Stikeens, Hydahs, Chimpsains, Tongass, Cape Fox, and other tribes congregate on Portland Channel and the Naas River to trade with each other and with the whites. The liquor trade being generally carried on within what is now our boundary.

Inclosure marked "B" exhibits the number and location of the Indians living on the islands east and south of Sitka, and on the mainland from Cape Spencer to Portland Channel.

I do not apprehend that the Indians in British Columbia would offer any obstacle to the settlement by our people of the islands and mainland east and to the southward of Sitka. Difficulties will, however, in all probability, arise between the whites and our own Indians. These tribes live along the shores of the various bays, rivers, and inlets. To keep them in subjection will require either the interposition of the Navy, manifested by one or more light-draft gunboats paying periodical visits to the various villages, and inflicting summary punishment when necessary, or the constant employment of an armed quartermaster's steamer, which could probably perform such duty while transporting supplies from post to post. I respectfully recommend that a show of military power be made at the earliest practicable moment to the Kakes, Hunnos, Chilcats, and Hoods na hoos. This special service might easily be performed by the Navy.

Upon the question of establishing a military post at or near the mouth of Stikine River, I feel some hesitation in expressing an opinion—not being able by personal examination to ascertain the disposition or exact location on the river, of those Indians. There are about thirteen whites on the river, at a mining village called Shakesville, about 135 miles above the mouth; thus far they have had no serious trouble with the Indians. The river is navigable for light-draft steamboats for at least 150 miles, and for canoes much farther. It is an

important channel of trade with the Indians in the British possessions—through to the headwaters of the Naas and Skeena rivers—and I have no doubt but that our revenue officers will have to pay particular attention to this inlet; they might require military protection. If a military post should be established at any point on the river it would hasten the development of the country, and would certainly concentrate in its vicinity a large number of Indians, who would thus come under our immediate control. A rough tracing of the river (furnished by Capt. Horace Coffin) is submitted herewith. Captain Coffin reports an island near the mouth containing about 300 acres of level land, and plenty of timber and good water, which might answer for a military post. He also recommends, as a suitable site, a point on south bank of the river which I have marked on his sketch with a red cross (+).

Portland Channel is an important inlet for trade with the interior tribes. It is desirable, as a means for developing the country, and for the purpose of affording protection to our traders and revenue officers, as well as to preserve peace between our own and the British Indians, to establish a small military post on or near the channel. Such an establishment would also have a good moral effect upon the tribes living or trading for many miles around the vicinity. Impressed with these reasons, and in view of the importance of the trade upon the channel and adjacent inlets, I crossed over from Fort Simpson to our own territory in search of a site suitable for a military station. I believe the most suitable place to be Tongass Island. This island has an area of about one square mile—perhaps more. It is quite level, is well timbered and watered, and upon it I found several patches of soil suited for gardening purposes. The accompanying sketch will give a very accurate idea of its locality, and the various channels in the immediate vicinity. (Inclosure C.)

Neukoot, alias "Ebitt," chief of the Tongass, is very anxious to have an American trading post established on the island, and, thinking that we must be there for some such purpose, he offered a house and garden patch to Major Hoyt and myself for nothing. He says that the establishment of such a station would concentrate in the vicinity the Cape Foxes, the scattered members of his own tribe, and many other Indians, and that many Indians would go there to trade who now deal at Fort Simpson and on the Naas River. The island is now the principal entrepôt for the whisky and other contraband trade with the Indians on and near the channel. We found there a large shed filled with whisky barrels awaiting the arrival of an American whisky schooner. If a military post is to be established on this island it would be well to have it declared a military reservation without delay. Traders might be allowed to reside upon it "during good behavior."

For the information embodied in inclosures A and B, I am indebted to Mr. W. F. Tohnie, Capt. John Swanson, and Mr. Cunningham, of the Hudson Bay Company, and to Capt. Horace Coffin, who was for many years a trader among the northern Indians, and who lately commanded a steamer in the service of the Russian-American Telegraph Company.

I did not gain much practicable information from Governor Seymour in reference to the measures advised or taken by the British authorities to maintain peace between the Indians and the whites. In fact, his letter (Inclosure D) embodies the substance of his remarks during the two interviews which I had with him. My interviews with

Dr. Tohnie were much more satisfactory, and he has promised an early answer to my note, copy of which is inclosed, marked "E." His opinions are entitled to great consideration from the fact that he has spent a long life among savage tribes, and has been for many years an eyewitness of the results of the policy pursued by our own Government toward the Indians in Oregon and Washington Territory.

Stress of weather prevented my visiting the trading and missionary establishment at Met-la-kaht-la, as advised by Governor Seymour, but I wrote to Mr. Duncan from Bella Bella, and hope to receive an answer within a month. (Inclosure F.)

From such information as I have been able to obtain I have no hesitation in attributing the great success attendant, for so many years, upon the Indian policy of the Hudson Bay Company and Her Majesty's colonial officers to the following facts:

The savages are treated justly, receiving protection in life and property from the laws which they are forced to obey.

There is no Indian bureau with attendant complications.

There is no pretended recognition of the Indian's title in fee simple to the lands on which he rounds for fish and game.

Intoxicating liquors were not introduced among those people so long as the Hudson Bay Company possessed the monopoly of trade.

Prompt punishment follows the perpetration of crime, and from time to time the presence of a gunboat serves to remind the savages along the coast of the power of their masters.

Not more than two years ago the Fort Rupert Indians were severely punished for refusing to deliver certain animals demanded by the civil magistrate. Their village was bombarded and completely destroyed by H. B. M. gunboat *Clio*.

As the result of such policy we find trading posts—well stocked with everything tempting to savage cupidity—safely conducted by one or two whites, among distant and powerful tribes. There is not a regular soldier in all British Columbia (excepting marines on shipboard and at Esquimalt), and yet white men travel through the length and breadth of that province in almost absolute security; yet the total number of Indians in the colony is estimated at 40,000, and there are not more than 8,000 whites.

Dr. Tohnie informed me that Captain Howard, of our revenue service, had stated in Victoria that no one would be allowed to sell arms or ammunition to the Indians in our territory. This policy, provided it could be carried out, would simply deprive these people of the means of gaining a livelihood. They must have guns, not only to get food but to secure the furs, skins, etc., of the Northwest trade. But these Indians will get arms and ammunition. If our own traders are prohibited from furnishing them, they can and will get them from British Columbia; and in this event they would naturally look upon the British as their best friends. The consequences of such a state of feeling as affecting our trade and intercourse with them may readily be imagined.

Inasmuch as most of our trading intercourse with Alaska will be by small vessels running through what is called the "Inside Passage"—along coast of British Columbia—I deemed it advisable to collect such information as could be obtained in reference to Indians living on and near that route. (See inclosure G.)

For convenient reference, I submit herewith a copy of the letter of instructions received from Major-General Halleck. (Inclosure H.)

Very respectfully, your obedient servant,

ROBERT N. SCOTT,
Brevet Lieutenant-Colonel and Aid-de-Camp.

SCHEDULE A.

Indians living on and near the boundary between British Columbia and the Russian-American territory recently ceded to the United States.[a]

Chimpsains. (1,500)

Living on Chimpsain Peninsula. Their principal village is at Fort Simpson, where a Hudson Bay post (the largest on the coast) has been located for some thirty years. There are about nine hundred (900) Indians at this point, living in large, strongly built lodges. About six hundred of this tribe are at Met-la-kaht-la, a missionary and trading village, about fifteen miles to the southward of Fort Simpson, on Chatham Sound. Fort Simpson is a large stockade fort, armed with eight four-pdr. iron guns, but there are now but three or four whites at that station.

Naas River Indians. (2,000.)

Naas River empties into Portland Channel at about 55° north latitude and about thirty miles to the northward and eastward of Fort Simpson.

Mr. Cunningham (the Naas River trader for H. B. Co.) was at Fort Simpson while I was there, and kindly furnished such information as I possess in reference to tribes on that and the Skeena River. He estimates the total number of Naas Indians at two thousand.

The Kakes, Foxes, Hydahs, Tongass, and Stikeens trade on the Naas for Oulicoon oil and other articles. The Naas Indians go into Portland Channel, near its head, to catch salmon, which are said to be very abundant.

There is a tribe of about two hundred souls now living on a westerly branch of the Naas, near Stikeen River. They are called "Lackweips," and formerly lived on Portland Channel. They moved away in consequence of an unsuccessful war with the Naas, and now trade exclusively with the Stikeens. The H. B. Co. is making strong efforts to reconcile this feud, in order to receive their trade.[b]

Skeena River Indians. (2,400.)

Skeena River empties into Port Essington about thirty-five miles below Portland Channel. Its source is not far from the headwaters of the Naas. The total number of Indians on the river and its tributaries is reliably estimated at twenty-four hundred, viz:

Kits-alas	400
Kits-win-gahs	300
Kits-i-guchs	300
Kits-pay-ucks	400
Ha-gul-gets	500
Kits-a-gas	500
Kits-win-scolds	400

The last named tribe lives between the Naas and Skeena. They are represented as a very superior race, industrious, sober, cleanly, and peaceable.

Kithatels. (300.)

Living on the island in Ogden's Channel, about sixty miles below Fort Simpson. They number about three hundred persons, and are not considered very trustworthy. These people trade at Metlakahtla.

Hydahs.

This name is given to the Indians on the northern shores of Queen Charlottes Island and to all of our Indians on Prince of Wales Island, except the "Hennegas" and "Chatsinahs."

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[a] I embrace under this heading all Indians who are within easy access to Portland Channel, coming there to trade, etc., or within an area of 60 miles north and south of that inlet.

[b] I include them in estimate of Naas River Indians.

B 600.
A 600.

The British Indians living along the shore from Virago Sound to North Point and Cape Knox number about three hundred. Those at Massetts Harbor are also estimated at three hundred.

The American Hydahs are called Ky-ganneis or "Kliavakans." They number about six hundred souls, and are scattered along the shore from Cordova to Tonock Bay. Quite a number of the men from these tribes are employed about Victoria, and in the sawmills on Puget Sound. A few years ago some of the British Hydahs captured the schooner "Blue Wing," of Seattle, W. T., and murdered all of the crew and passengers—five or six persons.

Tongass.

Not many years ago this was a war-like and numerous tribe. It now numbers not more than two hundred souls. They hunt, fish, and trade among the islands and on the northern shores of Portland Channel. Their principal village is on Tongass Island, to which reference is made elsewhere in this report. There is said to be a small settlement of these people on Cape Northumberland, numbering about fifty persons.

Cape Fox Indians. (150.)

A small tribe is living on Cape Fox, about fifteen miles from Portland Channel, about one hundred and fifty in all. The Hudson Bay Co.'s people consider these Indians as belonging to the "Tongass," but as they are repudiated by the old Tongass chief, I have reported them separately.

Stikeens. (1,000.)

There are now about one thousand of these people. Five or six hundred of them live on the Stikeen River, and the remainder are scattered along the coast from Point Highfield to Port Steward. This tribe is fast disappearing. Ten years ago they numbered over fifteen hundred souls. I can not say how many of the river Stikeens are in our territory. Captain Coffin reports, however, that there is a Russian boundary monument on that river, about one hundred and thirty-five miles from its mouth, marking a point ten marine leagues from the coast. If he is correct as to the nature of this monument, most of these Indians are within our boundary.

The Stikeen tongue is spoken all the way from Portland Channel to Kays Island (mouth of Copper River).

Schedule B.

Indians on the islands east and south of Sitka, and on the mainland from Cape Spencer to Portland Channel,[a] tribes enumerated in Schedule A being omitted in this statement.

PRINCE OF WALES ISLANDS.

Hennegas (500.).

Living at Cape Pole, opposite Warren's Island. They number about five hundred persons, and are said to be very peaceable.

Chatsians. (500.)

On the northerly end of the island and on west side of Clarence Straits. A peaceable tribe, numbering about five hundred persons.

KUPRIANOFF ISLAND.

Kakes.

This name is given on the Russian charts as "Kekous," but I adopt the name by which they have been known for years by American and British traders.

Their village is on the northwestern side of the island, near the head of Prince Fredericks Sound. They number about eight hundred souls. In former years they gave us a great deal of annoyance in Puget Sound. In 1857 some of this tribe murdered the collector of customs at Port Townsend, W. T., and it is said that they are very much excited at the report that they are coming under the "Bostons," apprehending punishment for their various crimes. I am also informed that this tribe has always given trouble to the Russians.

There is a branch of this tribe on Cape Farlshan, or Farnshaw, at the mouth of Stephen's Passage, and opposite the northeastern end of the island. They number about two hundred.

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[a] Captain Swanson estimates one-third of these Indians as "fighting men," but this estimate seems too large, even in view of the fact that the proportion of children is much smaller than among the whites.

ADMIRALTY ISLAND.

On Hoods Bay, opposite Pognibsni Straits. About eight hundred people in all. Have a bad reputation among traders. — Koidxnous. (800.)

This tribe is scattered along Douglass Channel, on Douglass Island, and on the mainland from Lynn Canal to Taco Inlet. The whole number is about seven hundred. As compared with other Indians they are poor. The British traders give them a fair reputation, but our own people call them bad. — Awks. (700.)

TCHITCHAGOFF ISLAND.

On the northern end of the island is a tribe of about one hundred and fifty persons. I could not learn their tribal name or anything as to their disposition. — Port Frederick. (150.)

INDIANS ON THE MAINLAND.

Scattered along from Cape Spencer to Point Converden. They number about one thousand in all. These people are celebrated as sea-otter and seal hunters. Capt. Swanson says they have no reason for animosity toward Americans. I learned from Captain Coffin, however, that they are dangerous customers, and that on one occasion they captured a vessel belonging to the Hudson Bay Company. — Hunnos or Hoone-ahs. (1,000.)

At the head of Lynn Canal and mouth of Chilcah River, number at least twelve hundred souls. They are proud and independent in manner, and are said to cherish peculiar hatred to Americans. About seventy of their forefathers were killed some sixty years ago by the crew of an American brig, and a desire for revenge is still cherished by them. Small parties of Americans should be very cautious in dealing with these Indians. — Chilcahs. (1,200.)

At the head of Chatham Straits, number about seven hundred. Some of their people have also been killed by American sailors, and Captain Swanson says they will seek revenge. — Hoodsna-hoos. (700.)

Living about Port Durham and head of Taco Inlet, number about three hundred, and are represented as "rich and saucy." — Tacos. (300.)

There are about one hundred and fifty of these people living in Port Houghton. Character, very doubtful. — Sundowns. (150.)

About two hundred of this tribe are living on the mainland, behind Kay's Island. Character, doubtful. — Kyacks. (200.)

GENERAL DAVIS'S INSTRUCTIONS.

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, Cal., September 6, 1867.

Bvt. Maj. Gen. J. C. DAVIS,
Present.

GENERAL: 1. You have been appointed commander of the military district of Alaska which includes all of the Russian-American territory ceded to the United States by the treaty of March 30, 1867. You will, therefore, assume command of the two companies designated, in Special Orders, No. 141, current series, from these headquarters, for the garrison of Sitka, as soon as the same are ready to embark on the transport chartered for that purpose.

* * * * * * *

17. In regard to the aboriginal and uncivilized tribes of your district, you will, in the absence of any organized civil territorial government, and so far as our laws authorize or permit, act as their general superintendent, protecting them from abuse, and regulating their trade and intercourse with our own people. Military officers have no authority to make Indian treaties. You will, therefore, enter into no

negotiations of that kind, or attempt to bind our Government to any contracts or agreements, without special authority, and under special instructions.

18. In regard to the tribal and uncivilized Indians on Barranoff Island and the adjacent islands and coast, you will exercise the most careful vigilance, as these natives are known to be both warlike and treacherous. You will consult with the Russian governor and other officers in regard to regulating their intercourse with the post and settlement of Sitka, and you will strictly enforce, both with regard to the whites and the natives, such regulations as you may deem necessary to adopt with regard to these Indians and their intercourse with our people.

* * * * * * *

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General, Commanding.

REPORTS FROM GENERAL DAVIS.

HEADQUARTERS DEPARTMENT OF ALASKA,
Sitka, Alaska, May 27, 1868.

Bvt. Maj. Gen. J. B. FRY,
Assistant Adjutant-General, Military Division Pacific.

GENERAL:

* * * * * * *

The Indians from all parts of the department, as far as I have been able to learn, seem to be quiet and disposed to be friendly. I have not been able to visit any of the tribes for want of transportation. Chiefs from many of the tribes have been here to see me and express themselves very anxious to have me visit them "with a big ship." I promised them to do so as soon as possible.

The Chilcot chiefs from Chatham Straits visited here about two weeks ago, and made many apologies for their past conduct toward the whites. They insisted on my coming to see them, in order that they might convince me of their sincere desire to cultivate friendly relations. To my proposition to establish a post of troops among them, however, they hesitated for some time, but finally told me they would consult with their people and return to see me in one moon and a half. This visit I shall expect in about one month from this time. The Chilcots are the most formidable and hostile Indians, probably, in Alaska. They carry on trade with the tribes living on the Upper Yukon, and are reported to be very wealthy Indians. They have thus far persistently resisted all attempts of the whites to locate among them. I can learn of no expeditions having been made up the Chilcot River by the whites, yet it is the most direct, and I think the most practicable, route to the Yukon. Should the other company of the Ninth Infantry, alluded to in a former communication from division headquarters as likely to be ordered to this department, be sent, I would recommend that it and one of the companies at this place be sent to Lynn Channel and a post established there.

The Taku chiefs have been here recently, and express a desire to trade

and cultivate peaceful relations with us. Also a Stikeen chief visited us a few days ago—since the arrival of the troops near his village—and expressed himself satisfied with their presence among them. The principal object of his visit here was to make peace with the Sitkas, with whom he and his tribe have been, for many years, at war.

He sought my friendly intercession, but the Sitkas were implacable, and he left without having accomplished his object.

* * * * * * *

I am, very respectfully, your obedient servant,

JEF. C. DAVIS,
Brevet Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF ALASKA,
Sitka, August 3, 1868.

GENERAL:

* * * * * * *

At Kontznon we learned that a trading vessel had been wrecked in Lynn Channel and that the crew were in distress. We proceeded in search and found them as reported, wrecked, but the crew were all safe. After relieving this party we proceeded to the mouth of the Chilcot River. Most of the principal chiefs were absent high up the river catching salmon, but I had a very satisfactory interview with a number of the subchiefs and other members of the tribe. They are now very friendly disposed toward us and seem quite earnest in their desire to have us come among them and trade with them.

I believe that by next spring I could make arrangements, if authorized to incur the expense, with the Chilkats to send an exploring party up that river to the Yukon and even down it with perfect safety. This country has never to my knowledge been explored. A discharged soldier from this command is now with these tribes some distance up the Chilkat River; while up there I made inquiries for him and I was assured of his safety. He is an old miner and the Indians induced him to go with them into their country and prospect it. They assured me that they would return him here all safe.

* * * * * * *

I am, very respectfully, your obedient servant,

JEF. C. DAVIS,
Brevet Major-General, Commanding.

Bvt. Maj. Gen. J. B. FRY,
Chief of Staff Headquarters Military Division Pacific,
San Francisco, Cal.

HEADQUARTERS DEPARTMENT OF ALASKA,
Sitka, Alaska, December 21, 1868.

Bvt. Maj. Gen. JAS. B. FRY,
Assistant Adjutant-General Military Division Pacific,
San Francisco.

* * * * * * *

Indian chiefs from most of the adjacent islands, as well as the Chilkat and Taku on the mainland, have been here on trading expeditions

recently, and all seem to be well disposed toward us; they express themselves as well satisfied with the treatment they receive from us.

* * * * * * *

I am, very respectfully, your obedient servant,

JEF. C. DAVIS,
Brevet Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF ALASKA,
Sitka, Alaska, January 5, 1869.

Bvt. Maj. Gen. JAS. B. FRY,
Assistant Adjutant-General Military Division of Pacific.

* * * * * * *

The principal chief of the Chilcots has been here for some weeks past with a party on a trading visit. He is a very haughty and imperious man, and has been accustomed to having things his own way, heretofore, wherever he went, both among the whites and Indians. This is his second visit here, during both of which he has been treated with kindness and consideration; but this kind of treatment he seems to have evidently misconstrued into fear or timidity on our part, and became more impertinent from day to day until New Year's day, when he and a couple of other minor chiefs undertook to disarm the sentinel at the main entrance into the Indian village. They succeeded in wresting the musket from the guard and made off into the village. * * * I confined him and his principal confederates in the affair in the guardhouse, where they still remain.

Cholckeka is known as the most powerful and vindictive chief on the coast here. Knowing his history and power, I have watched him and treated him accordingly. I think I have got him in the right place, and will endeavor to bring him to a proper understanding of the authority of the United States.

* * * * * * *

I am, very respectfully, your obedient servant,

JEF C. DAVIS,
Brevet Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF ALASKA,
Sitka, Alaska, January 10, 1869.

Gen. JAS. B. FRY,
Assistant Adjutant-General Military Division Pacific.

DEAR SIR:

* * * * * * *

* * * I had an interview with the Chilkat chief to-day, and am pretty well satisfied that he has repented of his hasty attempt at war. I shall release him soon on good assurances of his peaceful intentions for the future.

The *Saginaw* will leave for a cruise in Chatham Straits on Wednesday next, and if necessary will pay the Chilkat country a visit—I may go on her myself. Everything is quiet and prospering.

I am, very respectfully, your obedient servant,

JEF. C. DAVIS,
Brevet Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF ALASKA,
Sitka, Alaska, October 25, 1869.

Bvt. Maj. Gen. W. D. WHIPPLE,
Assistant Adjutant-General Military Division Pacific,
San Francisco, Cal.

* * * * * * *

The Rev. Vincent Colyer, a special commissioner on Indian affairs, is now making an extended visit among the Indians in this department, and judging by the energetic manner in which he is executing his mission he will be able to report much valuable information to the Government concerning them.

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I am, very respectfully, your obedient servant,

JEF. C. DAVIS,
Brevet Major-General, Commanding.

HEADQUARTERS UNITED STATES FORCES,
Territory of Alaska, August 20, 1870
(late Department of Alaska).

SIR:

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Within the past few months I have visited in person most of the tribes living on the islands forming the Alexandrian Archipelago, as well as the mainland east and north of them, from Fort Tongas to the Taku and Chilcat rivers. I have also visited those in Cooks Inlet, island of Kadiak, and several of the Aleutian Islands, including St. Paul and St. George, in Bering Sea. With the exception of the two last named (which will be more fully reported upon in detail hereafter), I found a very satisfactory state of affairs existing among the nations. * * *

I am glad to be able to report a very decided decrease in the liquor-smuggling business during the past year. This is owing to increased vigilance on the part of the Government officers, both revenue and military, and the increased restrictions imposed upon the shipment of it into the Territory by the Government. The collector of customs at Sitka has been very energetic and successful in his efforts to suppress this traffic.

The United States sloop of war *Cyane* still lies at anchor in the harbor of Sitka. Being a sail vessel, she is perfectly useless for the service she was sent here to perform. She can not cruise in our inland waters where the Indians live. She has a very intelligent and accomplished complement of young officers, who I know would like to be more actively and usefully engaged if they had a suitable ship. Their service here in this vessel is a species of exilement, without much advantage to the Government or themselves.

I desire here to allude to the valuable services rendered by the revenue cutters when in these waters, both in suppressing illicit trade and in cooperating with the military in looking after the Indians

whenever called upon by me. On several occasions the cutter *Lincoln* rendered valuable and prompt service.

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I am, very respectfully, your obedient servant,

JEFF. C. DAVIS,
Colonel Twenty-third Infantry, Commanding.

ASSISTANT ADJUTANT-GENERAL,
Headquarters Department of the Columbia, Portland, Oreg.

Report of Maj. Gen. George H. Thomas.

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, Cal., September 27, 1869.

GENERAL:

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After touching at Victoria, Vancouvers Island, for coal, I proceeded direct to Alaska; reached Fort Tongass July 18. This post is on one of the small islands of the Tongass group, at the southern end of Alaska Archipelago, and is occupied by one company of artillery. As it has been useful in checking illicit trade with the Tongass, Cape Fox, and other Indians, and is on the boundary between Alaska and British Columba, I have not thought it wise to discontinue it at present. Arrived at Fort Wrangell the night of the 19th of July; it is on Wrangell Island, near the mouth of Stakeen River, which is one of the channels of communication of the Hudson Bay Company to their post in British Columbia, east of Alaska. I did not disturb this post for the same reasons that governed me at Tongass. Both these posts serve also to protect the customs officers stationed at them.

Arrived at Sitka July 22. This is the headquarters of the department, and was the headquarters of the Russian-American Fur Company. There are still a number of Russians and half-breeds in the town, and a large village of Indians immediately outside of the stockade. The Indians are treacherous, warlike, and, until recently, discontented with the change of governments. It will be necessary to maintain a large garrison at this place to protect the traders from the Indians and preserve order and good behavior among the whites and half-breeds. In January last a party of Kake Indians attempted to leave Sitka in violation of orders; in resisting the attempt one of the Indians was killed by a sentinel. After they were permitted to return to their homes they killed, in revenge for the loss of their companion, two white men who had left Sitka in December on a trading expedition in Chatham Straits. Upon hearing of these murders General Davis proceeded in the United States steamer *Saginaw* to punish them; upon his arrival at their village, finding it deserted, it was destroyed. He did not succeed in finding any of the murderers. Since then this tribe has been very quiet.

In my personal interview with General Davis I became satisfied his course was right and necessary in that instance. I will here mention that on my return from the northwest to Sitka, General Davis reported that during my absence he had visited Forts Tongass and Wrangell on the revenue-cutter *Lincoln*, and that while in Tongass a white trader complained that he had been robbed by Cape Fox Indians. He went

to the village, and upon investigation found the statement substantially correct. He then demanded the robbers of the chief, who excused himself for not delivering them because they were absent fishing. He arrested the chief and medicine man of the tribe, and took them to Sitka as hostages for the delivery of the robbers, telling the chief's wife and subchief that he would hold them until the robbers were given up. The result of this prompt action was the delivery of the robbers to the commanding officer at Tongass. They will be punished by confinement and work at Fort Tongass, as a warning to the tribe, and the chief and the medicine man released and returned to the village. This, I presume, has been done by this time. * * *

I am, general, very respectfully, your obedient servant.

GEORGE H. THOMAS,
Major-General, U. S. Army, Commanding.

Bvt. Maj. Gen. E. D. TOWNSEND,
Adjutant-General U. S. Army.

General Howard's tour in Alaska.

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., June 30, 1875.

SIR:

* * * * * * *

By 2.30 p. m., Tuesday, June 8, we were at anchor near Fort Wrangell. I first made a thorough inspection of the detachment and post. Lieut. John A. Lundeen, Fourth Artillery, is in command. He had with him Lieut. M. M. Macomb, Fourth Artillery, and 12 enlisted men. The stockade and buildings appeared in a fair state of preservation, and the condition and discipline of the command good. The garrison being small, he rents and occupies only a part of the stockade inclosure, so that he is necessarily more or less exposed to annoyance from people who are not connected with the Army. He reports successful attempts to manufacture strong drinks for sale to Indians and others nearby, which, as yet, he has not had the facilities to reach and hinder. I authorized him to employ a canoe for this work, when the distance rendered it practicable.

Major Campbell's vigorous administration has already had an evident effect in this part of Alaska to check and almost prevent the illegal traffic in spirituous liquors. As soon as the inspection was over, the Indians from the "ranches" (as their long rows of houses in plain sight are called) came with dejected looks to interview me. They fortunately had a prime interpreter in Mr. Alexander Choquette, who speaks English and the Stickeen (Thlinket tongue) with equal readiness. The complaint was that we had taken away their chief, Fernandeste, by force; that our people (the accused prisoners, no doubt) had so frightened him as to the consequences of his detention and journey to Portland, that in terror he took his life; that his immediate relations were worried almost to madness by the sneers and gibes of other Indians, who said they were cowards because they did not have their "revenge" or "settlement."

I learned that under the influence of this passion and drink an attempt had been made more than once to kill a white man, and that

the promise of a "settlement" by me was what the Indians rested in. Now that I had come, they thought I would make it all right. They made several urgent requests, but finally settled on the condition of a "potlatch" of 100 blankets and the dead body of Fernandeste. Having already obtained the permission of the Secretary of War for the issue of blankets, and having the body of Fernandeste with us (it having been disinterred at Astoria and put on board), I deemed it the wisest plan to yield to their fervent entreaty, and gave the blankets and body. The whole appearance of the Stickeens changed. That night they gave us a characteristic dance of satisfaction, depicting in their rude way the departure, the suicide, and return of Fernandeste, our visit, and the settlement.

EXPEDITION UP THE STICKEEN—CUSTOM-HOUSE—ITS LOCATION—BOUNDARY LINE IN DOUBT—GLACIERS, ETC.

The next day, by the courtesy of Captain Irving, the owner of the small river steamer of Glenora, having arranged to pay merely the extra expense of fuel, I took our party up the Stickeen River as far as the boundary between our territory and British Columbia. No building is yet erected for the custom house. The place for the English custom-house officers' tents is supposed to be selected within the British line. Some of our shrewd frontiersmen say that it is not 10 marine leagues from the sea, as it should be, there being really doubt as to the summit of the coast range of mountains. I took a copy of the statement of the boundary line as published in an English journal. (See paper attached, marked "A.") It seems now to an observer of little consequence among these rough mountains where the exact line of division really is; but remembering the trouble the settlement of the channel question gave us at Vancouver Island, I deem it of sufficient importance to recommend that the attention of the proper department be called to the existing doubt not plainly settled by the treaty, that the line may be definitely fixed.

* * * * * * *

Wednesday, the 16th, at daylight, we are anchored at the mouth of the Chilcat River. The strong, cold wind lashes up the waves and everything appears wild and dreary. The Indians (Chilcats) are paddling around the steamer. They appear thin in flesh, but very tough and hardy; not so well clad as those at Sitka. In other respects, in language, size, and features, like them. Here Sitka-Jack, of whom I have spoken, with his canoe thoroughly manned with paddles and carrying a United States flag in the stern, comes up to us in style, and he is welcomed on board the *California*. He pilots our rowboat over the flats to the small Indian village 4 miles up the river; tells us that the main Chilcat ranches are some 16 or 18 miles farther up. The village we visit is under the shelter of an immense mountain. It is so similar to the Koitznous that I will not further notice it.

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Very respectfully, your obedient servant,

O. O. HOWARD,
Brigadier-General, Commanding.

ASSISTANT ADJUTANT-GENERAL,
Headquarters Military Division of the Pacific,
San Francisco, California.

OPERATIONS OF THE NAVY.

Acting Secretary of the Navy to the Secretary of State.

NAVY DEPARTMENT,
Washington, April 6, 1903.

SIR: In response to your request I send you herewith extracts from the official correspondence and other records of this Department relative to the operations of naval officials and vessels of the United States in the Territory of Alaska since the acquisition of that Territory from Russia, and more particularly having reference to their operations in the inlets of the mainland in southeastern Alaska.

From 1868 up to 1896 vessels of the United States Navy have been kept in that Territory almost continuously. It will be seen from the records herewith attached that the instructions from this Department to the naval commanders were that they should study the situation of affairs in that Territory; look out for the interests of the residents, and afford them needed protection; use their utmost endeavors to maintain harmonious relations between the white settlers and the native Indians, and control and maintain order among the latter; aid the civil authorities, when established, in enforcing the laws, and make surveys of the harbors, inlets, rivers, and other waters as the nature of the service would allow.

In execution of these instructions it will be seen that the naval officials visited the inlets and the rivers of the mainland in the region mentioned, and that they were especially frequent in their visits to the mouth of the Stikine River, to Taku Inlet and River, Lynn Canal, the inlets at the head of that canal, and the streams emptying into those inlets. During their visits they exercised authority on the mainland in promoting friendly relations between the whites and Indians, in preventing wars between the tribes and restoring peace among them, in restraining illicit traffic, and in acting as guards to the civil authorities in serving process and making arrests. In these services they frequently dispatched armed parties up the Chilcoot and Chilcat rivers and to the mountain passes beyond the head of the inlets of Lynn Canal.

For some years it was the practice to have the naval vessels stationed in Lynn Canal for the preservation of order, as indicated by the vessels' logs inclosed, during which time they also maintained stations on shore for practice, and made surveys of the inlets and rivers.

For further details as to operations of the Navy in the localities in question, I append hereto letters from such surviving officers as have served in Alaska who could be conveniently reached.

Very respectfully,

CHAS. H. DARLING,
Acting Secretary.

The honorable the SECRETARY OF STATE.

U. S. S. Saginaw (fourth rate),
Sitka, January 7, 1869.

Rear-Admiral T. T. Craven,
Commanding North Pacific Squadron.

Sir: Since my last letter I have the following to report:

On New Year's night a difficulty took place on shore between the guard and some Chilcat Indians headed by their chief. One soldier and two Indians were dangerously wounded.

* * * * * * *

The next day the Chilcat chief was captured and is in the guard-house.

* * * * * * *

I think there will be no further trouble unless General Davis releases the Chilcat chief, when I look for trouble with that tribe. Their villages are remote from the sea, and men-of-war can not get near enough to shell them. The tribes are the most numerous and warlike in this region and their chief is a person of great influence over them.

* * * * * * *

Richard W. Meade, Jr.,
Commanding.

U. S. S. Saginaw (fourth rate),
Sitka, Alaska, February 1, 1869.

Rear-Admiral T. T. Craven, *U. S. Navy,*
Commanding North Pacific Squadron.

Sir: I left this port on the 13th of last month, for a cruise to the northward, and returned here yesterday, having visited the following places: Souloy Bay in Peril Straits, Koteosok Harbor*on Admiralty Island, Mitchell's Bay* in Kootznaboo Archipelago, Freshwater Bay on Tschitchagoff Island, William Henry Bay in Lynn Channel and Pyramid Harbor* at the mouth of the Schillcat River. The position of the last-named place is lat. 59° 15′ N., long. 135° 34′ W., and it is the head of navigation for vessels drawing over 10 feet water. I found the natives friendly. The harbors marked with an asterisk (*) were named during the cruise. The charts of this region are very imperfect, and numerous points, bays and islands are without designation. In fact the country is practically unexplored.

I caused plans of all the above places to be made (except Souloy Bay, where we merely anchored for the night) and will send tracings and sailing directions to you by the first opportunity.

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Very respectfully,

Richard W. Meade, Jr.,
Commanding U. S. S. Saginaw.

No. 34.] Flagship Saranac, off Chilcat Village,
Headwaters of the Inland Navigation, Alaska,
July 31, 1873.

Sir: I have the honor to inform the Department of our departure from Esquimault, British Columbia, on the 16th instant, and of our arrival here on the 30th.

* * * * * * *

I have availed myself of every opportunity en route, to have a friendly talk with the Alaska Indians, several of whom, with their chiefs, have visited the ship, and appeared to be impressed with the importance of being on good terms with us.[a]

The fact that our vessels of war can reach many of their principal villages and fisheries, and interrupt trading by water, their only means of communication, has doubtless had its effect.

It is desirable that these waters should be visited more frequently than they have been for some time past, and as the *Saranac* is the only vessel under my command, at all suitable for such cruising, I would recommend that a small steamer of light draft be attached to this squadron for that purpose. Such a vessel judicially managed, would not only keep the Indians quiet, but would afford her officers an opportunity of obtaining valuable hydrographic information now so much needed.

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Very respectfully, your obedient servant,

A. M. PENNOCK,
Rear-Admiral, Commanding U. S. Naval Force on North Pacific Station.

Hon. GEO. M. ROBESON,
Secretary of the Navy.

No. 36.] FLAGSHIP SARANAC,
Port Townsend, August 31, 1873.

SIR:

* * * * * * *

For some years past there has been bad blood between the Stickine and Chilcat tribes. When at Etolin Harbor, the Stickine chief solicited my good offices in bringing about a reconciliation. Having talked the matter over with the chief of the Chilcats on my recent visit to his village, I found him ready to bury the hatchet. Subsequently, a delegation of chiefs requested the commander of this ship, Captain Phelps, on his return to Etolin, to announce their coming for the amicable settlement of all their difficulties.

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Very respectfully, your obedient servant,

A. M. PENNOCK,
Rear-Admiral, Commanding U. S. Naval Force on North Pacific Station.

Hon. GEO. M. ROBESON,
Secretary of the Navy, Washington, D. C.

Capt. L. A. Beardslee to the Secretary of the Navy.

NAVY DEPARTMENT,
Washington, D. C., April 28, 1881.

SIR: I have the honor to submit herewith a report prepared by me in obedience to the orders of the Department, dated November 17, 1879,

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[a] See log U. S. flagship *Saranac* of July 31, 1873; also letter of Rear-Admiral H. C. Taylor, U. S. Navy, to the Secretary of the Navy, of April 6, 1903, *post* pages 396 and 407.

in which I am instructed to prepare a report of my operations while in command of the U. S. S. *Jamestown*, stationed at Sitka, Alaska, which order was subsequently modified by verbal instructions to include in the report such information in regard to Alaska as I had obtained during my command.

I have therefore added papers treating on the character of the country and of its inhabitants, its resources, and meteorological phenomena. The collation and arrangement of the data on this subject, although embraced in twenty pages, has occupied a large proportion of the time since I was assigned to the duty.

I most respectfully submit, in connection with this report, the accompanying copies of letters from the honorable Secretary of the Navy, R. W. Thompson, and the chief of the Bureau of Navigation.

I am, very respectfully,

L. A. BEARDSLEE,
Captain, U. S. Navy.

Hon. WM. H. HUNT,
Secretary of the Navy.

The Secretary of the Navy to Captain Beardslee.

NAVY DEPARTMENT,
Washington, November 30, 1880.

SIR: The Department omitted, at the time of your detachment from the command of the *Jamestown*, to express its approbation of your course regarding matters in Alaska. The condition of that Territory was such that the presence of a war vessel would have been of little use without a commanding officer of rare judgment and discretion.

Your course while in command met with the entire approbation of the Department, and tended to restore order and preserve peace. The condition of the people of all classes in that country, where no law existed, was much improved by the measures adopted by you, and much that you did was the result of your good judgment, as you were required to act promptly and without the advantage of advice or instructions from the Department.

Your successor in command commends the admirable condition in which he found affairs in Alaska, and attributes it to the wise course pursued by you.

Very respectfully,

R. W. THOMPSON,
Secretary of the Navy.

Commander L. A. BEARDSLEE, *U. S. Navy, Washington.*

Report of Captain Beardslee.

The *Jamestown* was placed in commission at the Mare Island yard on the 8th of May, 1879.

It being considered important that she should reach her station as quickly as possible, she was very hurriedly fitted out, and sailed for Alaska on the 22d of May.

The Department's instructions to the commanding officer were partially as follows: "Proceed to Sitka, Alaska, and relieve the U. S. S. *Alaska*. Communicate from time to time, as opportunity offers, with the Department as to affairs in the Territory, looking out for the interests of citizens of the United States, and rendering them such protection as may be required;" to "make such soundings and hydrographic examination as the nature of the route and existing charts will sug-

gest;" and "while at the station to execute surveys and examinations of harbors, islands, shoals, etc., as far as the nature of the service and available means will permit."

I had received, also, verbal instructions from the honorable Secretary of the Navy, given on the eve of my departure from Washington, to assume the command, which in general terms were that I should study the situation of affairs in that Territory, and use my utmost endeavors to restore and establish permanently harmonious relations between the white settlers and the native Indians of the Territory, to which end I was authorized (there being no governing power or code of laws in existence in the Territory) to use my own discretion in all emergencies that might arise.

* * * * * *

It had been made my duty to restore harmonious relations between the whites and Indians of southeast Alaska, and the steps taken to this end, in the preliminary effort to establish harmony among the whites themselves, have been detailed.

My position in regard to the Indians would have been very complicated had I made effort to control them in accordance with the provisions of the Revised Statutes bearing upon Indian affairs, for nearly all of the sections presuppose a very different condition of affairs than prevailed in Alaska.

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From these I deduced—

First. The United States had exclusive jurisdiction over Alaska.

Second. As the senior Government official present, it was my duty to maintain this jurisdiction.

* * * * * * *

OPENING OF THE CHILKAT AND CHILKOOT COUNTRY TO THE WHITES.

In September, 1879, certain events took place among the Indians, which were duly reported in my October dispatch, but which have been omitted from their chronological position in this report, because, although apparently at the time of slight importance, they proved to be the starting point of the most valuable results which sprung from our intercourse with the Indians, namely, the removal by the chiefs of the Chilkat and Chilkoot tribes of all prohibition to the white men from entering their territory, which prohibition had been always strictly maintained; and the bringing of these tribes and the Hoonah Indians into a most friendly intercourse with the whites.

These events were reported as follows, in my dispatch dated October 5, 1879:

> The month of September has been marked by perfect freedom from drunkenness, fighting, or disorder of any kind in the Indian ranch.
>
> A great number of Indians have returned from hunting, etc., and the ranch is no longer deserted, but the returns have ceased to be celebrated by pot-a-latches; the Indians throng the white settlement, but there is no disturbances. The residents state that there has never been so quiet a month. When we first arrived every night was made hideous by drunken orgies and many fights. I have not had cause to even censure an Indian since the raid made by themselves upon the cannery ranches.
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> * * * * * * *
>
> I attribute the change to the influence of the Indians in our employ. * * * There has been an unusually exciting cause for sprees: About the 25th of September news was brought by Indian canoes that there had been a big fight up in the

Chilkhat country, between two families of the Chilkhats, viz, the Klockwatories (warriors) and the Onochtades, and that the chief of the former, Klotz-kutch (who is head chief of the tribe), was seriously wounded, and that a number on both sides had been killed; the inciting cause having been a barrel of molasses with which Klotz-kutch had given a pot-a-latch.

There are quite a number of Chilkhats living in Sitka, among whom is Dick, one of my policemen, who is a nephew of Klotz-kutch, and a very intelligent Indian, speaking considerable English and reading and writing a little.

He, assisted by the other policemen and "Sitka Jack," restrained the usual drunk which takes place on such excitements, and except that for a couple of days the miners could obtain no packers (they having all come into town to a caucus), no untoward event occurred.

They have organized an expedition to visit the scene of contemplated trouble, and on the 3d of October three canoe loads, about 30 Indians in all, started for the Chilkhat country (up Chatham Straits). If this vessel were a steamer, I should have gone too, for these Indian wars are almost interminable and will do much to hazard American interests here. I did the next best thing in my power; judging that the influence of such men as Sitka Jack, Dick, Stickeesh, and others, who knew us and could explain to those who did not the value of white friendship and danger of the opposite, would be very powerful, I resolved to secure it for our side, so helped to fit out the expedition, furnishing them with flags, provisions, etc., and receiving from them the promise that they would do their best to prevent trouble.

The party, over whom I hoped through the leaders I had appointed to exercise some control, were directed to report to Klotz-Kutch, and say that I had sent them to help him keep his people in order, and that in return I expected him to always use his influence to secure good treatment to any white men who should come to his country to trade, and that I would be pleased if he would let white miners go into the interior to prospect the country for precious metals, which, if found, would enrich the Indians also. This privilege had never been accorded, the Indians (Chilkhats) fearing that the whites would interfere with the trade with the Stich Indians who live in the interior, and whose trade the coast Indians monopolize. The Chilkhats were estimated as from two to four thousand in number, and considered the most warlike of all the tribes. The country was reported to be rich in minerals, and the miners were very desirous of penetrating it, and it seemed more than likely that, sooner or later, bodies of them would undertake to force their way in, in which case serious troubles would probably have occurred.

On the 12th of February, 1880, Dick, Stickeesh, and most of the party returned, Sitka Jack, with the remainder, having stopped at Swansons Harbor, in Cross Sound, where he has a village at which he dwells in summer. Stickeesh was much broken down by inflammatory rheumatism, contracted during the voyage down, which sickness gave rise to the case of witchcraft reported. They brought an invitation from Klotz-Kutch for the white miners to come, and promises of welcome, and thanks to me. This invitation I extended to the miners, of whom there were a number in town deterred from work on Baranoff Island by the great amount of snow still remaining on the mountains, the fall during the previous winter being unprecedented in amount. These men were ready to undertake such an expedition, and were of such characters as were best adapted. The project was freely discussed, meetings held, and an expedition to the Chilkhat country organized, and for the ensuing two months Sitka was quite lively with the preparations for the expedition.

Several boats were built, some from timber which was growing in the forest when the idea was conceived, and in May the party of pioneers were ready to start.

On the evening of the 11th of May a public meeting was held, and a full understanding between the miners and myself arrived at.

* * * * * * *

I agreed to furnish them with escort and letters of introduction.

The second launch was fitted for the trip by removing her boiler, engine, etc., and Lieut. E. P. McClellan assigned to the duty of escort. He was provided with the following letter to the Chilkhat chiefs, apparently an unnecessary move, as they neither read nor write, but really one of importance, as the Indians have a superstitious respect for written words, and there were with the expedition capable interpreters:

U. S. S. JAMESTOWN,
Off Sitka, May 20, 1880.

To the Chiefs of the Chilkhats, Klotz-Kutch and Elquesah.

CHIEFS: You have sent to me through Skeenga-Stocheen and Stickeesh, Indians in whom you and I place confidence, an invitation to the white men to come and prospect your country, and have promised to be their friends. The men who now come are those I have invited in your name. I feel sure from what I know of the bravery and honesty of the Chilkhats that you will keep those promises; therefore I send them, and the Great Father at Washington will be greatly pleased to hear that they have gone, and more pleased to hear next fall that you have all remained friends.

The officer who delivers this acts as my representative.

L. A. BEARDSLEE,
Commander, U. S. N., and Senior Representative of the Government.

The following instructions were given to Lieutenant McClellan, and on the morning of the 20th of May the expedition, consisting of five sailboats carrying nineteen miners and their help, and our launch, started under sail:

U. S. S. JAMESTOWN (THIRD RATE),
Off Sitka, May 20, 1880.

SIR: You will proceed in command of the second launch of this ship, and in company with a number of boats carrying miners and prospectors, a list of whom is herewith furnished to you, to the Chilkhat village, for purpose hereinafter specified. In starting from this place you will so arrange that you will be able to get through the rapids in Peril Straits before dark. On the eastern side of said rapids you will find a good harbor. Mr. George Cozian will accompany you as pilot. I have great confidence in his knowledge of the dangers of the inland waters. He will also act as Russian interpreter.

Passed Asst. Surg. N. M. Ferrabee, U. S. Navy, Ensign N. R. Usher, U. S. Navy, and Midshipman Woodworth are ordered to report to you for duty upon this expedition.

Your crew will consist of 13 sailors of this ship, and Indians Dick and Shukoff. Your boat will be armed with the Gatling gun, and small arms for each person. You will, under sail or oar, keep company with the boats of the miners, unless you find their progress so slow as to greatly retard you, in which case you will push ahead and make the best of your way under canvas or oar, as shall be most expedient. You will use your own judgment as to anchoring for the night, tide, or weather. The miners have, as per agreement—a copy of which is furnished you—promised obedience to your orders and instructions, and have elected Edmund Bean as their captain, with whom you will confer. On reaching the Chilkhat village, you will allow no one to land until permitted by yourself; and will, through an officer and Indian Dick, arrange with the Chilkhat chiefs for an interview as soon as possible. If for any reason this interview is delayed, you will obtain permission for the landing of such persons as may so wish, cautioning all persons obtaining such permission to commit no acts which will tend to create difficulties.

At this interview you and such officers as may accompany you will wear uniform and side arms. During this interview, and at all times, the boat must be left in charge of an officer and sufficient force to guard it. The nature of this interview will be as follows: Say to them that last fall, when Klotz-Kutch was wounded, I sent with a party of Indians who wished to come to help him, Dick, his nephew, in whom both he and I have confidence; I also instructed Sitlsa Jack and Stickeesh to talk with the Indians and advise them to stop drinking hoo-che-noo and fighting.

That when these men came back, they informed me that the Chilkhat chiefs invited the white men to come among them and prospect their country, and promised them welcome and assistance. This invitation and promise I have given in their name to the miners, and they now come in consequence. Tell them that had they not sent this invitation these people would not have come, therefore they must treat them as guests; and that all the miners have promised me to live peaceably and friendly with the Indians. Act throughout on the assumption that you have no doubt as to their keeping their promise. If, however, it becomes manifest that they will not do so, inform them that you will return and report to the Government their failure to keep their word, and that in future no Chilkhat Indian will be allowed to land at Sitka for trade or other purposes; that I will not give those who are here employment. You will then notify the miners of the failure of the mission, and request them to return with you, informing them that any or all who fail so to do forfeit their claim to your protection, and act entirely upon their own responsibility.

After the completion of the business with the chiefs, you will return to this ship, making, en route, such stops at any ranch of importance as your time will permit, explaining at each to the people the object of your so doing, which will be to assure them of the friendliness of the whites to them, and to caution them against committing at any time any aggressive act against white men, warning them of the probable consequences. Should your voyage to the Chilkhat village and return to the eastern mouth of the Peril Straits have been accomplished in fifteen days or less, say by June 1, you will visit the Kootznoo settlement on Admiralty Island, and there arrange for and hold interview with the chiefs, at which you will express to them strongly the disapprobation of the Government in regard to the recent fight between themselves and the Stickiene (Stahkine) Indians at Wrangell. Make it plain to them that Wrangell is a town belonging to the United States, and that no fight between Indian tribes can be permitted in its vicinity. Tell them that it has been reported to me that they intend to return to Wrangell to renew the trouble, and that if they so do they will be punished. That for what has already occurred no penalty will be exacted—assigning as your reason your knowledge that by Indian customs they had suffered a grievance which neither you nor the Government you represent approved. Obtain from them a promise to refrain from future hostilities, and return to the ship. These instructions are based upon the assumption that the results of your interview with the Chilkhat chiefs are satisfactory. Should, however, they refuse to grant the privilege requested, you will, after exhausting all amicable means, return as already directed.

I leave to your own judgment the explanation to the various tribes of the advantages which will accrue to them by the presence of the whites. Make, however, no promises. Unless unavoidably delayed (in which case endeavor to communicate with me by canoe, promising payment by me from $10 to $30, according to the distance), return to this ship by the 1st day of June, at the farthest, and as much earlier as possible. Keep a full journal of the events of this expedition, obtaining all useful information possible. I have invited Mr. Marcus Baker, of the Coast Survey, to accompany you. He will assist you in every branch of science. Wishing you a pleasant and profitable trip, and that the results will be the opening of the interior of the country to the whites.

I am, very respectfully,

L. A. BEARDSLEE,
Commander, Commanding.

Lieut. E. P. MCCLELLAN, *U. S. Navy.*

The launch returned to the ship on the 5th of June, and the report of Lieutenant McClellan indicated that the result was a success, and that the Chilkhat country was now fairly opened to the whites.

* * * * * * * *

The Chilkhat chief, Klotz-Kutch, had in this connection shown such evident good faith and character that I considered that I could, with propriety, break through a rule which had hitherto guided my actions, which was to in no case give any presents to the Indians when I wanted anything of them, considering that such action tended to increase their ideas of their own importance, and lead them to think that the whites alone were benefited by such changes as were made. I, therefore, sent him a present which, upon my subsequent meeting with him, I found was highly appreciated, and with it the following letter:

UNITED STATES WAR SHIP JAMESTOWN,
Off Sitka, June 10, 1880.

CHIEF: The Great Father in Washington, who is father of the Alaska Indians and the white men, will be greatly pleased when he receives the letter which I have sent, telling him of the good conduct of the chiefs of the Chilkhats, and that they have become so wise that they can see that it is best to be friends with the white men, through whom the Indians will be able to make money by selling all of their furs, oil, and other things, and who will bring them things which they need and can not make themselves.

I am glad that you kept your promises, and I felt sure that you would. Brave men of all colors are alike; they will not lie.

I send you a present of a valuable pipe and some American tobacco. Keep the pipe as long as you live, then give it to the next chief, to be used always as a pipe of peace, and smoked when you hold pow-wow with your white friends. Teach all of the Indians that Mr. Vanderbilt is their friend, and that if they treat him well other steamers besides the *Favorite* will come to trade with them, and that if bad Indians should trouble him or his steamboat, the Government will be angry.

Your friend,

L. A. BEARDSLEE,
Commander, U. S. Navy.

TO KLOTZ-KUTCH,
Chief of Chilkhats.

On the return Lieutenant McClellan stopped, as instructed, at Kootznoo, on Admiralty Island, and made it clear to the Indians that they would be punished if they resumed the war with the Stahkines at Wrangell. In promising to refrain, the Kootznoos requested permission to whip the Stahkines if they came to their neighborhood, which request was granted.

* * * * * * *

On the 28th of June Aunahootz returned from a trip to Taku, to which place I had sent him a month before to check a war impending there, he having great influence with the Takus, with whom he is connected. He brought word that all was quiet.

During July a trader named Errassan made a trading trip to Chilkhat, and on return reported good treatment. And during the same month a miner named Willoughby, who, having seen the ores brought by the Hoonahs in March, had accompanied them on their return home, arrived in Sitka, and stated that he had been well treated by the Indians during a two months' stay among them. He reported that frequently he heard them, while conversing, speak of the *Jamestown;* and Errassan reported the same; and it was thus evident that the influence of the ship extended a long way beyond the range of her guns.

* * * * * * *

The steamer *Favorite* arrived a few days after, bringing as a passenger from Chilkhat one of the miners who had belonged to the pioneer party, who reported to me that the Chilkhat and Chilkhoot Indians were very much incensed by the action of two men who, not originally members of the party, had joined it subsequently, and, not being bound by the pledge given by the others, had undertaken to trade with the Stick Indians.

These men had been with the pioneers long enough to be identified with them by the Indians, who were impressed with the idea that the whites had been guilty of bad faith.

This man brought me a message from Klotz-Kutch, begging that I would send or come and take these men away, for he was afraid they would be killed.

* * * * * * *

The receipt of this information caused me to decide that it was my duty to go to this place at once, and not await the instructions of the Department, which I could not receive in less than a month, even were I to telegraph full particulars.

Our steam launches were not suitable, and I therefore made partial arrangements with Captain Vanderbilt to take myself and party to Hoonah, Chilkhat, and Kootznoo, hoping at the latter place to keep smothered the embers of war between the Stahkines and Kootznoos.

The *Favorite* was not available until after the arrival of the mail steamer *California*, which came in on the 10th day of August. She brought as passengers Justice Deady, of the United States court at Oregon, and Maj. William Gouverneur Morris, special agent of the Treasury Department.

I submitted to the latter all of the information I had obtained as to the troubles already described; also as to certain illegal traffic in fire-arms and liquor which had been reported to me as occurring at various places in the northern country.

* * * * * * *

In pursuance of the arrangements made between Major Morris, as representative of the Treasury, and myself, as senior naval officer, the proposed trip was made, and its objects and results reported to the Navy Department in the following dispatch:

U. S. S. JAMESTOWN, *Sitka, September 1, 1880.*

Hon. R. W. THOMPSON,
Secretary of the Navy, Washington, D. C.

SIR: In compliance with the request of special agent of the Treasury Department, William Gouverneur Morris, which request was based upon information given to him by me, as reported in my letter of August 11, as to many violations of the revenue laws, and intrusion upon our waters of English Indians, hunting sea otter, I have during the month of August accompanied him, with an escort of officers and men, upon a tour among the most prominent Indian tribes who inhabit the inland coasts of Alaska.

Our trip was made in the steamer *Favorite*, belonging to the Northwest Trading Company, and beginning on the 14th day of August, extended over fourteen days, we arriving in Sitka on the 28th ultimo.

The objects of the trip were, first, to visit the Hoonah villages in Cross Sound, and to there take steps to prevent a threatened war between the Hoonahs and the British Columbia Indians of Fort Simpson, the latter having trespassed upon the rights of the former by killing sea otter upon the hunting grounds of the Hoonahs; second, to visit the Kootznoo tribe on Admiralty Island, to prevent a renewal of troubles between them and the Stickienes at Wrangell, reports having been brought in that such troubles were about to occur; third, to visit the Chilkhat country, for the purpose of strengthening and encouraging that tribe and the Chilkhoots in their advanced step of opening their country to miners and traders, which step was taken by my request, and is the legitimate growth from the successive steps of mine, in sending, in September, 1879, several of our Indians to Chilkhat, upon the occasion of a big fight, which resulted in an invitation to the whites to come, in response to which I, in May, furnished a party of pioneers with escort (see report of June 7, 1880); and in general terms, to have interviews with as many as possible of the leading tribes, among whom white men are now beginning to penetrate, and to establish with them a feeling which would cause them to receive the whites with favor, and treat them friendly.

My reasons for going in person were, first, I am convinced that as "captain of the *Jamestown*" I have more influence with the Indians, from one end of Alaska to the other, than any other person; I do not speak boastingly, but simply state a fact, which is believed by all here and confirmed by much evidence.

* * * * * * *

We then proceeded up Lynn Canal for Chilkat. The day was fine and warm, and the mountain scenery, which included hundreds of glaciers, magnificent. Before passing into Chatham Straits we had a fine view of Mounts Fairweather, Crillon, and

Perouse. At 6 p. m. we anchored in William Henry Bay, on west side of Lynn Canal, latitude 58° 44′ north, longitude 135° 19′ west, to procure wood, which the Indians cut and cord for the company for $2 per cord, and it is most excellent fuel (hemlock). We made survey of harbor, etc. On 23d, 6 p. m., we arrived at the trading post between the Chilkat and Chilkoot villages. We here found that our visit was very opportune, as it was at once reported to us that a war had started between the Chilkats and Chilkoots. The Chilkats and Chilkoots have for generations claimed the exclusive right to trade with the Stick Indians, who live in the interior and are not allowed to come to the coast, and it was to prevent trespass upon the trade that they have hitherto objected to the whites coming among them; and their consent to the going nto the interior of the miners was based upon promises made by the latter to refrain from trading with the Sticks. Their suspicion that Mr. Steele (who was not bound by promise) was endeavoring to establish the forbidden trade, had led them to appeal to me for assistance to prevent his so doing.

* * * * * * *

The northern extremity of Lynn Canal is bisected by a narrow tongue, which produces two deep inlets, called, respectively, Chilkat and Chilkoot inlets. These are the most powerful and warlike tribes on the coast, and their main villages are situated about 20 miles up rivers which empty into the inlets.

The mouth of the Chilkat River is obstructed by flats, which can be passed only by canoes. Just below these flats, on the western side of the peninsula, there is a village called the "Lower Chilkat village," but as it is inhabited by about equal numbers of Chilkats and Chilkoots, and governed by a chief of the latter tribe, it is more properly a Chilkoot village, and at it the two tribes meet for trade, etc., a trail crossing the peninsula. At the eastern end of this trail there is a good harbor, Portage Bay, and the Northwest Trading Company have built a house and established a trading post at this point, around which a new village will soon grow. The trader, a Mr. George Dickenson, is married to a Tongas Indian woman, who speaks, reads, and writes English, and is a missionary. Through the Dickensons we learned as follows:

A few days before a nephew of Klotz-Kutch, named Yakekoko, being drunk, desired to attack and kill a Frenchman named Pierre Erassard, who was at the Chilkat village, in a boat from Sitka on a trading voyage. Yakekoko has what is termed a "blood feud" with the whites, he having been stabbed last winter in Wrangell by a white man named John Currie, and in consequence has sworn to kill a white man to "get even." The attack upon Erassard was prevented by Klotz-Kutch, but as a barrel of molasses had been sold to the Indians (probably by the same Frenchman) many were drunk and a big fight ensued, during which Yakekoko shot and killed a Chilkoot Indian named Kootsnatz, the man who last fall wounded Klotz-Kutch (see letter of October 1), creating then a riot, which I had stopped temporarily by sending up Dick, Sitka Jack, etc.

Klotz-Kutch is getting old, and a class of young fellows are disposed to rebel against his authority, his ideas being in advance of theirs as regards the admission of miners, traders, and missionaries. All of the Indians of the lower village side with the Chilkoots, and after several days of skirmishing at the main Chilkat village, the side opposed to Klotz-Kutch, which was headed by Danawak, chief of lower village, sent to the main Chilkoot village for reenforcements. The day before we arrived two canoes carrying over forty men had passed the trading post bound to Chilkoot from Chilkat, and every man belonging to the lower village had gone to the meeting, at which a big potalatch or drunk was taking place.

I learned also that Mr. Steele, the miner who was believed by the Indians to have endeavored to trade with the Sticks, was stranded about 15 miles by water above the Chilkoot village, and that the Indians refused to bring him down. Messengers were at once dispatched to Chilkat and Chilkoot to the headmen, requesting them to declare a truce, and to meet us in council at Portage Bay on board the *Favorite;* also to the Chilkoot chief, requesting him to send at once a canoe for Mr. Steele and bring him down to us, if he wished.

On the 24th Klotz-Kutch and Colchica, chiefs of the Chilkhats, accompanied by the trader Erassard, arrived; also from Chilkhoot, Mr. Steele. Erassard confirmed the story of the Dickensons as to state of affairs in Chilkhat, saying that every night the fighting, which was suspended during the day, was renewed. This is Indian custom, their system of "getting even" making it very dangerous to a man to be identified as the killer of another, even in battle; and Steele reported that the entire Chilkhoot village was drunk when he left. Steele denied the reports which had been made, but did not convince me that he was entirely blameless.

That evening an interview was held with the two chiefs, and the matter of difficulty between Steele and the Chilkhats adjusted satisfactorily. We declined to talk of the

war now progressing until the Chilkhoots should be present. August 25, in the morning, a light canoe, with the American flag flying, came down from Chilkhoot. In her were several Chilkhoot chiefs. We appointed a conference at 10 a. m., and they went to the beach to breakfast, refusing to go to the trading post because the Chilkhats were there.

At 10 a. m. we fired a gun, and soon after all came on board. As this was a very important interview, we all dressed in uniform and epaulets, and the Indians, as far as in their power, vied with our splendor. Major Morris also donned a uniform, as it was necessary to add to our strength everything which could impress the natives. There were present, Chilkhats, Klotz-Kutch and Colchica, chiefs of main village; Chilkhoots, Danawak, chief of lower village; Karskarz (Indian shaman), chief of Chilkhoot village, and a young fellow, brother of Danawak, and his probable successor, who is very influential, and who has made lots of trouble. The following is a synopsis of the interview:

Interview between Commander L. A. Beardslee, U. S. Navy; Maj. William Gouverneur Morris, special agent Treasury Department; Chilkhat chiefs, Klotz-Kutch and Colchica; Chilkhoot chiefs, Danawak, Karskarz, and others, at Trading Post, Portage Bay, Chilkhoot Channel, August 25, 1880.

Geo. Cozian and Shukoff, interpreters.

Passed Assistant Surgeon Ferrabee and Master G. C. Hanus, U. S. Navy, were present.

Commander BEARDSLEE. "I have sent for you to talk with you on a subject of great importance. I do not wish you to interrupt me, but to wait till I have finished, and then I will hear you. Many years ago a great Tyhee of the United States, Mr. William H. Seward, came to this country. He traveled all over it, and when he reached Chilkhat he was the guest of Klotz-Kutch, and he writes in this paper you have shown me that Klotz-Kutch and all of the Chilkhats used him well. He was greatly pleased with what he saw of the country, and when he got home he told his Government that it was good; that the lands were rich in furs, minerals, and timber; the waters teeming with valuable fish, and the Indian tribes brave, intelligent, and disposed to be friendly; and by his advice the great Tyhee in Washington bought Alaska, and paid many millions of blankets.

"White men began to come to this country, among them both good and bad men; the last, seeing the riches of the country, wished to keep it to themselves, so they wrote false letters and the white men read that the country of Alaska was 'bad land' and the Indians a dangerous, treacherous lot of men, and that the whites could not stay here unless the Government sent a war ship or soldiers to protect them. Some of these reports were true, for the white men and Indians did not understand each other, nor how to get along together.

"The Government sent the war ship asked for, and selected me to command it, and it told me to protect the whites, and Indians who desired it, from the bad Indians.

"I have been on this duty over fifteen months. At first my work was very hard. Bad Indians and bad white men gave me much trouble, and the good men would not assist me, but stood and looked on, because they did not know me; but as time passed, and they saw that the war ship was the enemy of the bad men only, and the friend of the good ones, these last began to help me, and when I asked the old men to make the young men do right, they did so. Then they began to send to me to advise and help them when they had troubles, and I did so, and by my request the Kootznoos and Stickienes, the Hoonahs, and Sim-Sims (Fort Simpson Indians), and the Chilkhats and Chilkhoots stopped wars that had started, and all sent me word that they wanted the white man to come among them and teach them. So I wrote to the Great Father that war times were over, and that it was now time to send teachers for the children, traders to do business, and a peace Tyhee to teach the Indians how to do business with the whites. Such a Tyhee has come with me. I came myself that I might get acquainted with all of the chiefs who have helped me so much, and that I might introduce to them the business Tyhee as my friend, that they might know that the war and peace Tyhees of the white men worked together.

"At Koeteosok, Kootznoo, Hoonah, Tink ha-tah, and other places we found all quiet and peaceful, and we talked with the chiefs—I about such matters as I had charge of, and the business Tyhee instructed them how to carry on their business with the whites; but, now we have arrived at Chilkhat, the business Tyhee can not talk, for there is war, and my work is not yet finished.

"Unless this war is stopped at once I shall leave here to-day and go back to the *Jamestown* and tell the Great Tyhee in Washington that the Chilkhats and Chilkhoots are not yet ready for a talk with the business Tyhee, and that the white men must

not come beyond Cross Sound. I am very grieved and mortified. Can not you four men, and will you not, stop this trouble, which is now but like a little fire which has started, and which can easily be put out by a cool breath, but which, if it gathers headway, will destroy the country? Will you not help me to blow it out?"

At this point a conversation between themselves was followed by a request that we should hear the story of the war and act as arbitrators; this we refused to do. Such action would have been highly impolitic. It would be impossible for any white man to place just the right weight on the various points which would arise. From an Indian point of view, in which both parties would coincide, acts which we might condemn would be considered as right, and vice versa, and I said to them:

"That we can not do; we did not come here to interfere in your affairs; we came in a little boat, as friends, to pay a visit; we know that you Indians have laws, and that by them this dispute can be settled better by your chiefs in cool, deliberate council than by young men, crazy with hoo-che-noo, killing each other."

KLOTZ-KUTCH. "We have listened to what you have said, and we agree that it is better that we should do what you say, but we can not settle the affair without consulting the family of (?) (the shot man). I would rather pay two hundred blankets than have a long war about a bad man that was not worth a hundred. We are the rulers of all the Indians, and we promise you that the war shall stop now and that such payment as a council decides is just shall be paid by me."

Danawak and Karskarz, the Chilkoot chiefs, indorsed the promise of Klotz-Kutch, and the two parties, who up to this time had held aloof from each other, began a friendly consultation.

I then said to them: "Now that you have all joined in this promise, am I to understand that, except as to the amount to be paid, the whole affair is settled, and that the war is over?" All assured me that such was the case, and I then said: "I know that you will keep your word, for you are warriors, and brave, and only cowards lie, and I know that you old men have wisdom enough to see that it is best to settle a trouble without anger."

Then I introduced Major Morris, who had a long talk with them on business matters—smuggling, whisky dealing, etc. They manifested much interest in the subject-matter of the major's address, asked a number of questions, and promised to be guided by his instructions. Both of the tribes were greatly pleased by an offer that Mr. Vanderbilt, the agent of the Northwest Company, had authorized Major Morris to make, viz, to build at the trading post a comfortable schoolhouse, where those who wished could be taught by Mrs. Dickenson, the wife of the post trader, and they said that they would not only send their children, but would build a new village around the post so that the children could be with their parents; and after consulting together the Chilkats selected a site to the westward and the Chilkoots one to the eastward of the store.

They received, with considerable amusement, a proposition made by Major Morris that on future trips of the *Favorite* good, wholesome beer, which we whites drank and got fat and healthy on (illustrating by his own person as an example), should be substituted for the trouble-brewing molasses.

It is my belief that if this change can be made gradually, the use of molasses, as a beverage, can be greatly reduced; and so thought the chiefs, who are very willing to have the experiment tried.

After the interview we exhibited to them the howitzer and Gatling, firing a number of rounds from both; the action of the Gatling, which was mounted on a pivot block aft, so that we could sweep two-thirds of the horizon, was particularly interesting to them, as it taught them what one man could do to a fleet of canoes coming from all directions.

After this they all went ashore together to hold a pow-wow, and finish up the business. Klotz-Kutch, who had evidently anticipated that the case would go against him, one of his family having taken a life, which must be atoned for by another, or payment, had brought with him a bale of furs and blankets; and we having thus accomplished all of the objects of our mission, including a treaty of peace, and the quelling of a war which had already put a stop to all trade, and had endangered the lives of United States citizens, and which might have been prolonged indefinitely, started August 25, at 1 p. m., for Sitka, arriving at that place on the 29th.

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Before closing this portion of the report it seems not out of place that I should avail myself of information furnished to the department by my successor, Commander Glass, which bears upon subjects which have been discussed. Up to the latest dates, March, 1880, the Indians

throughout Alaska have kept their promises to me, and have remained on harmonious terms with each other and with the whites.

Shortly after my departure in September, 1879, Lieutenant Symonds continued in the *Favorite* the system of survey begun by Mr. Hanus. Visiting the Chilkat village he found that the promise of Klotz-Kutch to pay the demanded forfeit had been made good, and that peace was reestablished.

Among the important results of this second trip in the *Favorite* was the hydrographic work embodied in chart and Hydrographic Notice 98, and the locating of the Chilkat villages, which he finds are beyond doubt in the United States territory; he also obtained a census of the Chilkhats and Chilkhoots, which shows that their numbers have been overestimated.

The privileges granted to the miners of penetrating the country have resulted in the discovery of gold-bearing ledges and silver ore in various places, which, it is thought, are of great value, and these discoveries have attracted to Taku so many whites that a new town called Rockwell has been built, which will undoubtedly soon prove a flourishing settlement.

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HYDROGRAPHIC WORK.

The hydrographic work for the summer of 1880 was confined to that performed by Master G. C. Hanus while on a trip through the inland waters with me in the steamer *Favorite*, a portion of which is incorporated in Hydrographic Notice No. 79 of 1880, hereto appended, and other portions in corrections to Chart No. 225, which is now being altered in accordance.

After my being relieved by Commander Glass, the survey of the inland waters, through the medium of the *Favorite*, was continued by him, and the results of a trip made by Lieut. F. M. Symonds are incorporated in Hydrographic Notice No. 98, which, as it serves to explain certain portions of this report, is also appended.

Mr. Symonds's work furnishes also other important corrections to Chart 225, which chart is the only one of use to a navigator in these inland seas, and which had been laid aside as too erroneous for issue.

The surveys of the *Jamestown* have restored its value, and a section of it, on which the corrections made by the *Jamestown* are indicated in red ink, is hereto appended. This includes Glacier Bay, Tya Inlet and River, Chilkhat Lake, Taheen River, and rocks off Cross Sound, called Hanus Reef.

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HYDROGRAPHIC NOTICE.

[No. 98 of 1880.]

The information contained in the following notice is furnished by Commander Henry Glass, U. S. Navy, commanding U. S. S. *Jamestown*. The reconnoissance and surveys were made by Lieut. F. M. Symonds, of that vessel, during September of the present year:

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CHILCAT INLET AND RIVER.—(See chart.)

960.—*Portage.*—The portage between Portage Bay and Chilcat Inlet is 1½ miles in length. The divide is low, with a gentle rise from the bay. On the eastern side the

soil is a rich loam, adapted to the cultivation of grass and the hardier vegetables, and covered with evergreen trees and a deciduous growth of birch and cottonwood. Passing from the eastern side to the middle of the divide, the soil becomes thin and marshy and necessarily colder, as it has not the southeastern exposure of the eastern slope. On the western side large patches of swamp grass, a bluish clay soil, and then granite mud were found. The mouth of the Chilcat River opposite this point is about 5½ miles wide. (H. N. 98, 1880.)

961.—*Description.*—Portage Point, where canoes were taken for Tondustek, the first Chilcat village, is about a mile to the southward and westward of the western end of the portage.

The party embarked at half flood. Snags and patches of sand were visible in many directions, and it required, under sail, very careful handling to keep in even 2 feet of water. A careful examination of the mouth was made for quicksands, but none were discovered. Indians were observed on the sand flats in the center of the river spearing salmon, but none of them had any knowledge of the existence of quicksands in the river.

Tondustek is to the eastward of and close to Ranch Point. This village has 16 houses and a population of 171 Indians. Two chiefs hold sway; the elder and head, Donawauk (Silver-gray), being about 50 years of age, and tall and noble looking, with Caucasian features. Kacky, the other chief, is young and good looking, being particularly notorious for his unscrupulous dealings and quarrelsome disposition.

The village is on a wide, grassy, alluvial flat, having for its background a bold granite mountain, whose precipitous peak was streaked in a remarkable manner by slides of bright slaty granite, sand, and gravel, while lower down were shrubs and bushes of bright yellow and crimson shades, deciduous growth, and woods of dark evergreen. The village was noticeably clean.

After leaving this village a course was shaped up the river, and, although an opposing current of at least 4 miles an hour was encountered, good progress was made, the breeze being fresh from the southward and eastward.

The course from the village was southwest. Two miles from the village precipitous mountains, 2,000 feet in height, rose on either hand. The timber on the mountains gradually changes, deciduous trees taking the place of the evergreens, and bushes replacing the larger trees, until at about 10 or 15 miles from the mouth of the river the mountain sides are brightly mottled with yellow and orange. On the southeastern side of the river the rugged and serrated mountain crests, covered with snow, appear cheerless and uninviting.

About 5 miles southwest by south from Tondustek, up the valley of a stream called Takheen (Hindmost River), is the Bertha glacier, resting on a southern mountain slope and reaching nearly to the surface of the river. It is precipitous in its descent and has a double snout, occasioned by a huge mass of rock near its medial moraine. The ice is very clear and white. The mountains which feed this glacier are of the same group which supply the Davidson glacier and the many small glaciers which spring into view on the southwestern shore of Lynn Canal.

At 1.45 p. m. September 27, 1880, Tondustek bearing northeast, 7½ miles distant, the course was altered to west. Sand bars just awash were continually met, and the average depth in the channel was only 2 feet. In altering the course Spuhn Point was rounded. The river at this point is 1½ miles in width. The flats opposite Spuhn Point extend out for nearly a mile from the southwestern bank of the river. The temperature of the water at this point was 46° F., the air being 53°.

At 2.30 p. m. the canoe was off Vanderbilt Point, which bears west from Spuhn Point, distant 2½ miles. The general course was now west-northwest.

Leaving Vanderbilt Point, the mud and sand flats, which fill the lower part of the river, were left behind, and numerous low, flat islands were met with. These islands, covered with alder, willows, birch, and cottonwood, inclose the shallow channels, while great stretches of barren gravel and sand flats, with sloughs and pools, fill the intervening spaces between the islands.

The current is rapid and increases in proportion as the channel between the islands narrows, running at times 5 or 6 miles an hour.

As the party progressed the average width of the river was 1 mile, and the general course was gradually altered to west by north.

At 6.30 p. m. the canoe reached Camp Point, which is half a mile southeast of Kutkwutlu (Gull's place) and 16½ miles from the mouth of the river.

On the morning of the 28th the course was continued up the river, and Kutkwutlu was soon reached.

This village, the second from the river's mouth, is very dirty, and consists of 11 houses, with a population of 125 Indians. There is no head chief at this place.

From Camp Point the north bank of the river trends a little to the northward and

then to the northward and westward to Chilkat Point, at the upper extremity of Klukquan village (Old town).

The river is here 2 miles wide and is alive with salmon. The cliffs on the banks are about 2,000 feet in height.

Klukquan, the main Chilcat village, bears west by north from Camp Point, distant 3 miles. It contains 65 houses and a population of 558 Indians.

From this village the voyage was continued up the Taheen (King Salmon) River, which was entered after rounding Chilcat Point. At 11.15 the party was off Glass Point, which bears WNW. ¼ W. from Chilcat Point, distant 2½ miles. Glass Point extends out nearly to the center of the river valley. The river is here 2 miles in width and its general direction is west northwest.

At 12.20 p. m., Glass Point bearing south by east, 6 miles distant, the trip up the river was discontinued at a point south by east, a quarter of a mile from Jamestown Point.

Nearly west of Klukquan village is a point on which is Chilcat Peak, 4,000 feet high. It is at this point that the Taheen, flowing from west northwest, and the Kluheeny (Dog-salmon), from southwest by west, meet. No information could be obtained as to the source of the last-named river. The Taheen is the outlet of Kousouah (Long) Lake, which, from Indian reports, is about 30 miles from Klukquan. On the Taheen, 14 miles from the lake, there are falls 60 feet in height.

Into the Taheen, 13 miles from Klukquan, empties the Kaätl River, flowing from the northward. This latter is a small river, and is not navigable for canoes.

About 3 miles south of Klukquan is Chilcat Lake, which extends about 6 miles northwest and southeast.

From every indication on the banks of the Chilcat River, Lieutenant Symonds concludes that during the spring and summer freshets the river never rises more than 2 feet above its level in September, which rarely exceeds 3 feet in the deepest part of the main channel. (H. N. 98–'80.)

(Bearings magnetic. Variation, 31° easterly in 1880.)

CHILCOOT INLET.—(See chart.)

962.—*Deyea River.*—The Deyea River, the outlet of Chilcoot Lake, is small and shallow and navigable only for canoes. The main village, called Tananei (Salmon Leaf), is at the junction of this river with the lake. It contains 8 houses and has a population of 127 Indians. At the mouth of the river there is an Indian hunting village containing 3 houses.

East-northeast from the mouth of the river there is a small glacier, and east by north from the same point is the entrance to Tyya Inlet, which extends in a northerly direction to the mouth of a river of the same name. This river is navigable for canoes only.

The northeastern side of Chilcoot Inlet is incorrectly placed on Commander Meade's chart, but want of time prevented Lieutenant Symonds from obtaining sufficiently reliable data to place it correctly.

The loftiest mountain peak, just to the southward of Tyya Inlet, was found by barometric measurement to be 3,700 feet high.

There is reported to be plenty of water and good holding-ground in Tyya Inlet, to the mouth of Tyya River, but no harbor.

A mid-channel course up either Chilcat or Chilcoot Inlet shows that both are in error at least one point, as they trend that much more to the westward than shown on the charts. (H. N. 98–'80.)

(Bearings magnetic. Variation, 31° easterly in 1880.)

CHILCAT, CHILCOOT, AND INTERIOR TRIBES.

963.—*Description.*—These tribes are all of the general classification group of Thlinkits. The whole region possessed by them is called Kunana, and its inhabitants Kunaäni. One group of tribes, called Alitsch (which is their word for "people"), consists of six small tribes, viz. Tagesh (living nearest the coast), Kluhtane, Netlatsin, Tahtlin, Klukha, and Tahho.

To the northward of this group is another group. Their name for people is Tinten-which gives the name to this group of four tribes.

There also appears to be a tribe, or group of tribes, bearing the name Tenneh.

The above information was obtained from old Chilcat and Chilcoot traders, who visit the northern inland country yearly to trade with the interior tribes.

These interior tribes, especially the Alitsch, receive their goods from the traders, who cross the divide, passing first over the mountains to the Tyya River, then ascending it to the glacial region, crossing from thence by a gap, and descending on the northern side into the bleak, soft, bush region. They barter with the Indians for their furs, and being in possession of the market values, the trade is a remarkably lucrative

one to the traders. They look upon these interior tribes as tributary to them, and prevent them from visiting the coast by stories of the dangers of the route and by threats of violence.

The Northwest Trading Company rendered Lieutenant Symonds valuable assistance in the prosecution of his work. It has established a trading post at Portage Bay, Chilcoot Inlet, and the Presbyterian Mission has taken steps for the immediate construction of a mission school and church near the same place. (H. N. 98–'80.)

(Reports of Lieut. F. M. Symonds, U. S. Navy, Sitka, Alaska, October and November, 1880.)

* * * * * * *

Very respectfully,

L. A. BEARDSLEE,
Captain, U. S. Navy.

Mr. Woodworth to Commander Glass.

U. S. S. JAMESTOWN (THIRD RATE),
Lying off Sitka, Alaska, March 3, 1881.

SIR: In compliance with your orders of January 24, I have the honor to submit the following report:

* * * * * * *

January 27, I saw the Rev. Mr. Young and delivered to him your letter, and spoke to him in regard to your proposition that the Stickines should come to Sitka, and there meet and compromise with the Hoochenoos in regard to their intertribal difficulties.

* * * * * * *

January 31 I held an interview with the Stickines. I requested the presence of Mr. Young, and he kindly granted me his advice and assistance. There were present at the interview, one chief, Shakes, and sixteen heads of families, also an interpreter furnished by Mr. Young. I began the interview by stating your desire to make peace between the Stickines and the Kootznoos. I proposed to them the selection of four of their number to accompany me to Sitka, there to meet a delegation of the Kootznoo tribe, and make some adjustment of their troubles before you. To this they seemed gladly to acquiesce. I assured them that the delegation should not go, should those members of the tribe remaining in Wrangell, not promise me to abide by any compromise made by the delegation; which promise they gave me. I also assured them that though it was your desire that they should accompany me to Sitka, that they did not go as prisoners or at Government expense. I gave them fully to understand that some compromise must be made, and they would not be able to have things all their own way. I told them to choose their own delegates and submit them to me, and should I disapprove of any of them, others would have to be substituted. I asked their cooperation in putting down hoochenoo in the ranche. This they each promised and shook me by the hand.

* * * * * * *

March 3, I took passage with my men and the four Stickine delegates, on the *California* for Sitka.

* * * * * * *

I am, sir, your obedient servant,

JOHN E. WOODWORTH,
Midshipman, U. S. Navy.

Commander HENRY GLASS, U. S. Navy,
Commanding U. S. S. Jamestown.

Commander Glass to the Secretary of the Navy.

U. S. S. JAMESTOWN (THIRD RATE),
Sitka, Alaska, April 6, 1881.

Hon. WILLIAM H. HUNT,
Secretary of the Navy, Washington, D. C.

SIR: I have the honor to report that affairs in this Territory are in the most satisfactory condition. Perfect quiet obtains and the Indians show every disposition to remain at peace.

Since the date of my last report I have succeeded in having treaties made between the Stickeens and Hoochenoo tribes and between the Stickeens and Sitkas, thus ending at last feuds that in one case had existed for over fifty years.[a] The chiefs showed an earnest desire to make peace and to abandon their former custom of exacting satisfaction in kind for every injury, and I believe the treaties, copies of which I inclose, will be faithfully observed.

* * * * * * *

Very respectfully, your obedient servant,

HENRY GLASS,
Commander, Commanding.

[Extracts from copies of treaties between Indian tribes enclosed in the foregoing letter.]

A TREATY OF PEACE BETWEEN THE HOOCHENOO AND STICKEEN TRIBES.

* * * * * * *

ARTICLE VI.

The chiefs of both tribes agree to use all exertions to prevent any future trouble; and should, unfortunately, disputes arise which they are unable to settle, it is agreed that all such disputes shall be left to the arbitration of the senior officer of the United States in the Territory.

* * * * * * *

TREATY OF PEACE BETWEEN THE STICKEEN AND SITKA TRIBES.

* * * * * * *

ARTICLE VII.

In case any disputes should arise between persons of the different tribes they shall be settled by the chiefs in a peaceable manner. In case the chiefs shall not agree upon a settlement the disputes shall be left to the decision of the senior officers of the United States in Alaska.

* * * * * * *

The Secretary of the Navy to Commander Glass.

NAVY DEPARTMENT, *May 6, 1881.*

SIR: Your communication of the 6th ultimo is received, and the original treaties accompanying it between the Stickeen and Hoochenoo, and Stickeen and Sitka tribes of Indians have been transmitted to the honorable Secretary of the Interior.

Very respectfully,

WM. H. HUNT,
Secretary of the Navy.

Commander HENRY GLASS, U. S. Navy,
Commanding U. S. S. Jamestown, Sitka, Alaska.

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[a] See Midshipman Woodworth's report to Commander Glass, of March 3, 1881, *ante* page 377.

Commander Glass to the Secretary of the Navy.

U. S. S. JAMESTOWN (THIRD RATE),
Sitka, Alaska, May 9, 1881.

SIR: I have the honor to report that perfect quiet obtains among all the Indian tribes of the Territory. The benefits of the control exercised over the Sitka Indians, in the prevention and punishment of drunkenness, and the system of compulsory education established here, are already shown in the conduct of Indians at other places from which I have obtained reports.

Finding that a system existed among the Alaska tribes of making slaves of prisoners of war, or of hostages held for the payment of claims for injuries, I have determined to suppress it, if possible, and have made a beginning at Sitka.

At this place I found in the Indian village seventeen persons of various ages held, or claimed, as slaves, some by purchase, others by inheritance. With the aid of an interpreter I investigated each case, and released all the slaves in the presence of their former owners, giving to each one a certificate to that effect, and warning all Indians not to injure or molest anyone formerly a slave under pain of severe punishment.

I have sent letters to the leading chiefs of all the other tribes in southeast Alaska, directing the slaves to be set free at once, and I trust my directions will be obeyed. On my recent visit to the mining region I saw the chiefs of two of the principal tribes, and was assured of compliance with my order.

While I am able to preserve quiet among the different tribes of this portion of Alaska, and insure obedience to orders at any point that can be reached by the steam launches of the ship, this duty has been attended, during the winter, with some degree of exposure to the men and officers; and an efficient steamer will be of far more service in these waters than the *Jamestown* has been, since all the villages could be visited in turn to impress upon the Indians the control to be exercised by the Government. This ship is now in entire readiness for sea, and I am glad to report the health of the officers and men as excellent.

Very respectfully, your obedient servant,

HENRY GLASS,
Commander, Commanding.

Hon. WM. H. HUNT,
Secretary of the Navy.

Commander Glass to the Secretary of the Navy.

No. 17.] U. S. S. JAMESTOWN (THIRD RATE),
Sitka, Alaska, July 9, 1881.

SIR: I have the honor to report that at present quiet and good order exist in all parts of this territory.

On the 14th of June information was received of a serious outbreak among the Chilkats, in which several Indians had been killed. Master G. C. Hanus, U. S. Navy, was sent to the principal village with a party of marines, and two interpreters belonging to the ship's company, to make an investigation into the affair and take any action possible. He

was directed, if possible, to put a stop to the fighting, and invite the leading men to Sitka to make some sort of terms, if they could not agree among themselves. He was also instructed to use great caution in dealing with the Indians, and to be careful not to force them into the attitude of disregarding the authority of a Government officer.

Mr. Hanus's reports are so full and interesting that I forward them herewith, and I can not too highly commend the zeal and ability of this officer in settling at once, and in a satisfactory manner, the most serious case of difficulty among the Indians which has arisen since I have been in command on this station.

* * * * * * *

Very respectfully, your obedient servant,

HENRY GLASS,
Commander, Commanding.

Hon. WM. H. HUNT,
Secretary of the Navy, Washington, D. C.

CHILCOT, ALASKA, *July 1, 1881.*

SIR: I have the honor to report that, in obedience to your orders, I arrived at Chilcot, Alaska, at 7.10 p. m. on June 25, and learned that negotiations for peace among the opposing factions of the Chilcots had failed, and that fighting would be resumed on the following day. The Chilcots were afraid to go as messengers, but finally through the influence of their chief, the Chilcot doctor, three men volunteered. I sent for Shatevitch (Chartvich or Klo kutch), the head chief of all the Chilcots, the leading man among the Crows and Whales (the two opposing factions), and all others whom I had orders to invite to Sitka. While waiting for these people to come down I interviewed the Chilcot doctor, and found that he was in fear of his life because he had told Lieut. Commander C. H. Rockwell of the troubles in Chilcot, and I could obtain no information from him. I found that this man had exerted his influence in the interest of peace, and that there were no complaints against him whatever. Mr. George Dickenson, who keeps the Northwestern Trading Company's post at this station, is a man easily scared, and I found him and his Indian wife thoroughly frightened on account of the serious difficulty at the upper Chilcot village. It was impossible to get a precise statement from this man. Nearly all his information consisted of vague reports and rumors.

Nearly all the trouble in this country is caused by hoochinoo, made from molasses. The Northwestern Trading Company have sold none since the commencement of the fighting, and are moving the quantity stored here by the steamer *Favorite* this trip, so that in future, if other parties do not introduce it, one fruitful source of trouble will be removed.

I next interviewed the man whose brother hanged himself in Sitka; after thoroughly explaining to him your action in the case, he expressed himself as much pleased with what you had done and wished me to thank you; also, that he would be satisfied with whatever you should decide as a just settlement, but that he alone was irresponsible, since the head of his family, Donowak, who is chief of the two lower Chilcot villages, is at present absent in the Stick country.

When the news of the suicide first arrived Donowak is said to have made some remarks blaming the whites for not punishing the man who caused the death of their kinsman; but on learning of your action in this case he must have been thoroughly satisfied, as just before he left for the Stick country, the trouble in Chilcot having commenced, he called a council of his people and told them to protect the trader and his property, and to die in his defense if necessary. Kokee, an Indian who it was reported had threatened the trader, came to the store and slept there to afford protection, if necessary, when the serious trouble at the upper village commenced. This Indian is also absent in the Stick country. In view of the fact that Donowak and Kakie are absent it would be useless to send the brother of the man who hanged himself to Sitka. The Chilcot doctor told me he would go, if I ordered him, but as the other leading men of his tribe were absent he did not wish to go just now. Shatevitch, the head chief of the Chilcots, sent word to the trader not to be afraid, but should anyone make threats, to send him word and that he, Shatevitch, would have to be killed before the trader should be harmed.

The messengers returned from Chilcot on the morning of the 27th ultimo and reported that all the people sent for were coming down, but as they had not arrived by the evening of the 28th I concluded they were not coming, and being thoroughly convinced that many foolish and vague rumors which were reported to me were false I decided to see the leading men, even if I had to go to the upper village.

In company with the interpreters I crossed the trail to the lower Chilcot village, when, just as we were embarking in canoes, Shatevitch arrived with Katnatz, a young Crow chief, and several other men. He apologized for not coming sooner. He was giving a feast when he received my message, and informed me that he had brought leading men of one faction only; that the others could not come, as, being at the upper end of the village, they could not pass the blockade. I learned that eight persons had been killed—four Crows and four Whales—several had been wounded, and one of the wounded Crows, it was expected, would die. The trouble was the result of drunkenness, and I learned that the molasses had been furnished by the Jew trader Martin at Rockwell. Shatevitch explained that when the fighting first commenced he was absent, and that he had done all he could to promote peace, but two of the Crows killed, belonging to the higher class of Indians, were worth a great many lives each, and for this reason he was unable to make peace. He also said this was the greatest tribal difficulty that they had ever had.

I delivered your letter and had it interpreted, but I saw that no settlement could be made of the matter unless both sides could be interviewed; so I determined to go to the upper village with the interpreters. This latter is about 25 miles from the lower village, and can only be approached in small canoes. The current is swift, and the water in some places so shoal that even the canoes ground frequently. Mr. Brodock, a photographer, who had come here for the purpose of taking pictures in the upper village, volunteered to go with me, and, learning that the Indians had been expecting him, I permitted him to go.

We arrived at Chilcot at about 9 o'clock in the evening and were hospitably received by Shatevitch, who had sent the young chief known as Murderer to receive us. A large house, in which the chief keeps his treasures, had been prepared for our reception; a fire had been built, an American stove for cooking purposes was brought in, and we were furnished with dishes, blankets for beds, and toilet articles. Servants were detailed to wait on us, and some 60 callers paid their respects within a few minutes of our arrival. Our house was guarded during the night by someone sent by Shatevitch. In the morning about a hundred people assembled in the house, but I found they were all Crows, and was informed that the Whales did not dare to pass the barricades. I endeavored to get them to select men so as to have their troubles settled by you in Sitka, but though they listened to all I had to say with respectful attention and wished me to thank you, they declined to go. I then made them a long speech and urged them to stop fighting. Several expressed their willingness to make peace if the Whales would pay 1,000 blankets. This was afterwards reduced to $1,000, and still later to $500.

I next visited the Whales and found that their houses were barricaded. The houses in this village are all forts having portholes cut at intervals. I spoke to these people as I had to the Crows, and found them all anxious to end the fight, because they live in the upper part of the village and could not pass the houses of the Crows to go fishing or trading. The houses in which the councils were held are about a half a mile apart. I passed from one to the other a number of times, and about 3 o'clock in the afternoon the Crows agreed to make peace if the Whales would make a promise to pay in my presence and that of Shatevitch. This the Whales finally did. The amount can not be decided for some time, since it depends on the death or recovery of a wounded Crow. The excitement among the Indians of the councils was intense, but all were respectful to me. I had invited Shatevitch to go below, but he does not wish to leave his people just now; besides, his son is a Crow, and he wants to meet him as he comes from the Sitka country, to prevent trouble on his part. Peace having been made, the Whales and Crows will now meet everywhere, and on account of the recent deaths of their friends and the bitter feeling which still exists it is possible that disturbances might recommence before the final settlement, and I have therefore left the corporal and two privates who accompanied me to this place at the Northwest Trading Company's post to protect the lives of the trader and family, as also the property at the post, and I inclose a copy of Mr. Vanderbilt's request, as also of the orders I gave to Corporal Jacobs, in charge of the detachment. In obedience to your orders, I will return to Rockwell, Alaska, and will report to Lieut. Commander C. H. Rockwell for duty.

Respectfully submitted.

G. C. HANUS, *Master, U. S. Navy.*

Commander HENRY GLASS, U. S. Navy,
Commanding.

Commander Lull to the Secretary of the Navy.

U. S. S. WACHUSETT (THIRD RATE),
Sitka, Alaska, September 8, 1881.

Hon. W. H. HUNT,
Secretary of the Navy,
Washington, D. C.

SIR: I have the honor to inform the Department that since the date of my last report everything has been quiet in the Territory.

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At Chilcat[a] I sent for the chiefs and leading men of the two totems—Whales and Crows—that had recently been at war with each other. I found that they had just settled their difficulties by the payment of 100 blankets by the former to the latter. And in my presence they shook hands and promised to live peaceably with each other and with the whites—they have never molested the latter. The villages of these people are, unfortunately, 25 miles beyond the reach of this ship, being up a rapid and shallow river.

* * * * * * *

Since my return here I have received a note from Lieutenant-Commander Pigmon informing me that an old feud between the Kootzenoos and the Auks had been adjusted in his presence by the voluntary act of the former, who had come to Rockwell for the purpose. This, I have no doubt, is the outgrowth of the successful efforts of Commander Glass to make peace between the different tribes during the last year.

* * * * * * *

Very respectfully,

EDWARD P. LULL,
Commander, Commanding.

Commander Coghlan to the Secretary of the Navy.

No. 7.] U. S. S. ADAMS (THIRD RATE),
Off Sitka, Alaska, July 11, 1884.

SIR: On the 20th of June I received a dispatch from the Committee of Safety of Juneau City, informing me of a murder having been committed by a Stickene Indian, and asking the presence of the vessel at that place to prevent trouble. So soon as temporary repairs could be made on the boilers, the morning of the 22d, we started for Juneau City, stopping over night at Hoonyah, and arrived there the afternoon of the 23d. I found that the Stickene had murdered his wife (wife in the Indian sense), who was one of the Chilcat tribe, and that members of that tribe were furious for revenge, but had consented to await my action. I had the murderer transferred to the ship and confined; cautioning the Indians that I would have his case properly attended to, and would punish anyone creating any disturbance about it.

* * * * * * *

I shall retain the Indian murderer until I hear further in regard to civil government, and if there is any prospect of a term of court in

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[a] For other adjustments of difficulties between the Chilcats and other tribes, see logs of U. S. S. *Wachusett*, for August 23, 25, 29, and 30, 1881, *post* page 397.

the near future, will try to have him tried by the Alaska court; otherwise he will have to be sent to Portland, Oreg.

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Respectfully, etc.,

J. B. COGHLAN,
Commander, Commanding.

WM. E. CHANDLER,
Secretary of the Navy.

Commander Nichols to the Secretary of the Navy.

No. 3.] U. S. S. PINTA (FOURTH RATE),
Sitka, Alaska, September 20, 1884.

SIR:

* * * * * * *

There is also one Indian confined and awaiting trial on a charge of murder[a]. This latter prisoner I turned over to the United States marshal on the 15th instant, but owing to the peculiar circumstances of the case I consented, at the verbal request of the governor, to retain him under the marine guard as before and to continue his subsistence as a supernumerary until such time as the marshal could control it.

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H. E. NICHOLS,
Commander, Commanding.

Hon. WM. E. CHANDLER,
Secretary of the Navy, Washington, D. C.

Commander Nichols to the officer of detail.

U. S. S. PINTA (FOURTH RATE),
Juneau, Alaska, June 8, 1886.

SIR: I have to report the *Pinta* at Juneau, having arrived on the 6th instant from Chilcoot, where the ship has been lying since the date of my last report. I left the steam launch there in charge of an officer. As soon as the mail steamer returns from Sitka I shall go back to Chilcoot, and will remain there as long as necessary,[b] probably until about the end of the month, when, if the miners have gone in and all is quiet, I shall send the launch back to Sitka and come here with the ship, and about the middle of July take the ship to Sitka to fill up with provisions.

Very respectfully,

H. E. NICHOLS,
Commanding Pinta.

THE OFFICER OF DETAIL,
Navy Department, Washington, D. C.

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[a] See letter of Commander Coghlan to Secretary of Navy July 11, 1884, reporting the arrest of a Chilkat Indian at Juneau, *ante* page 382.

[b] The *Pinta* was stationed at Chilcoot Inlet, at head of Lynn Canal, from April 27 to June 18, 1886. (See various logs of vessel, April 25 to June 18; see also Lieutenant Emmons' report to Secretary of the Navy of March 28, 1903.) This was in order to prevent trouble between the miners, who during this season of the year entered the interior over the trails to the Yukon gold fields, and the Chilkoot and Chilcat Indians, which tribes had constructed and claimed control over the trails.

Mr. Hahn and others to Governor Swineford.

JUNEAU, *December 21, 1886.*

His Excellency, Governor SWINEFORD, etc.

SIR: We would respectfully ask of you to use your influence or authority to have the U. S. S. *Pinta* stationed at Chilcoot to prevent trouble with Chilcoot or other Indians. As we expect a large immigration to this territory and the Yucon the ensuing season, and as they are unaccustomed to the ways and customs of Indians, we think that the ship being stationed there would have a beneficial effect and would be the means of preserving the peace, and prevent such trouble as we had last season.[a] Parties talk of leaving here about the middle of February.

We are, sir, yours, respectfully,

P. HAHN AND OTHERS.

Respectfully referred to Lieut. Commander John S. Newell, with the recommendation that the request of petitioners be favorably considered.

A. P. SWINEFORD, *Governor.*

Lieutenant-Commander Newell to the Secretary of the Navy.

No. 7.] U. S. S. PINTA (FOURTH RATE),
Juneau, Alaska, May 18, 1887.

SIR: I have the honor to report that affairs throughout southeastern Alaska are in a quiet condition.

Since the last report, No. 6, dated Sitka, April 16, 1887, the movements of this vessel have been: Left Sitka April 20, anchoring that night in Lindenberg Harbor, Peril Straits, leaving there on the morning of the 21st. Killisnoo was visited, and that night anchorage obtained at "Adams Anchorage," Shelter Island, remaining overnight. On the 22d steamed in and out of William Henry Harbor; anchored in Portage Cove, Chilcoot Inlet, where we remained until the 2d of May, when I took the vessel to the head of Taiya Inlet for the day, returning to Portage Cove in the afternoon. On the 9th instant left Portage Cove and anchored in Pyramid Harbor, Chilkat Inlet, leaving the next morning for Swansons Harbor, Cross Sound, which was reached the same evening, and on the 11th Hooniah, Port Frederick, Cross Sound, was visited. The next day, the 12th, left Hooniah, and reached this place on the same day.

* * * * * * *

Wishing to show the vessel at all Indian settlements, also for the information of the officers and myself, not having the services of a pilot, I have visited nearly all the anchorages between Sitka, Chilcoot, and this place.

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Upon my arrival at Portage Cove I found the Indian village almost deserted, the inhabitants having gone some days before to the head of

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[a] See log of U. S. S. *Pinta*, of May 20, 1885, showing the *Pinta* as stationed at Chilcoot, *post* page 397.

Taiya Inlet for the purpose of packing for the miners who enter the Yukon.

Everything was reported quiet at the head of the Inlet, and that nearly all the miners there had gone in.

* * * * * * *

On April 29 a large party of Chilkat Indians returned to Portage Cove from the head of the Inlet and immediately proceeded to their village, about 40 miles up the Chilkat River, preparatory to going over their own trail on a trading expedition to the interior. I have heard that the Chilcoots refused to allow them to pack.

On May 1 a party of Chilcoot Indians, including the two chiefs, came down from the head of the Inlet to Portage Cove, where I had an interview with them. They were much disturbed, apparently from a report circulated, by whom I am not informed, that I intended to arrest them. Telling them that this was not my intention, and to assure them of the good will of the Government, as well as to show them that the vessel could reach the head of the Inlet, I determined to go there in the vessel, which I did the following morning, giving them a passage. This is the largest vessel and the first man-of-war, as I am informed, that has ever ascended the Inlet, which is navigable for about 13 miles.

I impressed upon the Indians that this vessel was there as much in their interests as in the interests of the white people; that they (the Indians) could make their own bargains and work or not work, and that they could not interfere with or prevent the whites or others passing through the country over the trail; also that any Indian or other person had a right to work there without let or hindrance. This seemed to be understood by them.

In my interviews with the white traders there, two in number, I could not find out that there had been any trouble between the Indians and the whites, but that among the Indians there was more or less jealousy on account of the packing. The Chilcoot tribe has two chiefs—Donnewak, the head, and Klanott, the second. The latter, from his shrewdness and ability, perhaps, is the working chief and has become the wealthiest. He is reported as having a bad temper and as being overbearing in disposition, and it is toward him that most of the ill feeling of the whites is directed.

In conversation with the miners, men from Montana and elsewhere, they have had no complaints to make and think the terms made with the Indians reasonable, considering the difficult work, and that they anticipate no trouble whatever.

On the other hand, there are some miners, judging by the articles that appear in the Alaska Free Press, published at Juneau, that find fault and complain of the Indians and their exorbitant charges. This class, I think, are few in number. In the last issue of this paper, a copy of which is inclosed, a policy ("cold lead") is spoken of that will, if followed, be regretted and prove disastrous to many innocent men.

There is no doubt that in course of time, with sufficient force, the Indians could be severely punished and brought into subjection. Dependent, as they are, for food upon tide water, they could be driven into the interior and their supply of fish—the main article of diet—cut off entirely, or so reduced as to impose upon them great suffering, The different tribes are so closely allied by intermarriage that the cause of any one tribe will be espoused by the others, and in order to

punish any one tribe all the others in that vicinity would have to be closely watched, if not included in the punishment, to make it a success. In the meantime the white men, unless banded together for mutual protection, would be unable to go and come as they now do without imminent risk of their lives. White men are now able to go and come unmolested and to follow their avocations, even singly, as is shown by entering and coming out of the Yukon as well as prospecting and trading all over this country as they do.

From my own observations and from the experience of others I have formed the opinion that the Indians of Alaska are peacefully inclined, and if treated in a fair and equitable manner are more or less tractable; but when subjected to oppression or coercion and fed by stimulants they may be led to commit outrages.

A complaint, made known to me only through the press, of having to pay toll for passing over the trail leading into the Yukon is a matter that will, I think, eventually come before the court here for decision. If it is collected, of which I am not certain, it certainly has precedents throughout the country. At the head of Taiya Inlet is a white trader, Capt. J. J. Healy, who runs a small steamer back and forth from Juneau, carrying miners and their supplies. He has at present men working on the trail, with the view, I am informed, of introducing pack animals to do the work now done by the Indians; and in a conversation with me on the subject he stated that, previous to his coming here, he had been engaged in collecting toll over a road in Montana. He admitted to me that the Indians have expended labor on this trail.

The Indians, with their primitive and narrow ideas, consider this trail the property of their tribe. It was by this path that the tribe for generations communicated with the interior and thus gained a livelihood, and they look upon its becoming a highway as an infringement for which they are entitled to compensation. I have no doubt but what, if this trail is made practicable for pack animals, it will create great feeling and may lead to trouble. Already the Indians regard the work being done with suspicion, and Klanott has requested Captain Healy, so the latter informs me, to withdraw his men, which request was refused. The jealousies existing between the traders make it very difficult to form a just opinion, especially so where in their intercourse with the Indians the son of one trader acts as the interpreter for the Indians in their talk with the other trader.

Upon the return of this vessel to Chilcoot it is my intention to send some officers over the trail in order that they may make a report upon it, a copy of which report, with a statement of the Indians and also one from the white traders, I shall submit in behalf of the Indians, at their request, to the court for its information and opinion. There being no civil officers of the Government within 100 miles of Chilcoot and the knowledge of the civil government, I have informed the Indians that I would submit the question for them; which action on my part I hope will meet with the approval of the Department.

If the news from the Yukon should not be favorable to keeping alive the gold excitement, then the trail will no doubt be abandoned by the whites.

Klokwan, the head village of the Chilkat Indians, the largest and most powerful tribe in that part of Alaska, not having been visited by any naval officers for seven years, and very seldom by white people, I considered it desirable that, for the better information of the Gov

ernment and for the good of the Indians, the village should be visited and reported upon. I sent a party under Lieutenant Emmons to visit the place. The report when completed I will forward to the Department.[a]

The party, consisting of two officers and two interpreters—Master A. E. Austin, having volunteered his services as an interpreter, made one of the party—left the ship on the 30th of April and ascended the river on foot, camping the first night at a deserted village and the next morning proceeded until they met a summer village of Indians, who, though not opposing their advance, discouraged their proceeding farther and strongly manifested a feeling against their advancing. They would not in any way assist them. This, with the failure on the part of Indians to fulfill contracts made for transportation and that messages had been repeatedly sent to the chief of the intended visit, led Lieutenant Emmons to return, which he did, reaching the vessel that evening.

Upon the return of the vessel from head of Taiya Inlet the young son of the Chilkat chief came on board, having been sent by his father to apologize for the behavior of the Indians at the summer village, also to express his regret that the party had discontinued their journey, and to invite them up. The tribe were packed ready to start on a trading expedition to the interior, and their departure should be delayed until the visit had been made.

The party left again on the 3d of May and returned on the 6th, having been most cordially received and treated. The party returned under the care of members of the family of the chief, Chartrich.

Chartrich sent word that upon his return from the trading expedition he would come down to see me, as he had several things he wished to talk about. These expeditions generally last about twenty-five days, and I shall endeavor to have an interview with him upon his return.

The expenses of this trip I have had made a public bill, which I trust will meet with approval.

Heretofore at the fish cannery that is open during the run of fish in the Chilkat Inlet the Indians have been paid by trader's tickets. This Chartrich said his men would like to have stopped and receive their pay in coin, thus enabling them to trade where they chose. In an interview with the foreman of the cannery he told me that that was his intention and that no trader's tickets should be used.

Up to this date about two hundred miners have crossed the trail into the Yukon.

I am, very respectfully,

J. S. NEWELL,
Lieutenant-Commander, Commanding.

The SECRETARY OF THE NAVY,
Navy Department, Washington, D. C.

Lieutenant-Commander Newell to Governor Swineford.

U. S. S. PINTA (FOURTH RATE),
Juneau, Alaska, May 23, 1887.

SIR: I have the honor to communicate to you, for the information of the civil authorities and for such action as can be taken in the matter,

[a] For extract of report see enclosure to Lieutenant Emmons' report to the Secretary of the Navy of March 28, 1903, on his service in Alaska, *post* page 406.

a wish expressed by Chartrich, the chief of the Chilkat tribe of Indians, that the sale of molasses in large quantities to his tribe by the traders at Juneau and elsewhere be stopped, thus cutting off the supply from which hoochenoo is made.

Respectfully,

J. S. NEWELL,
Lieutenant-Commander, Commanding.

Hon. A. P. SWINEFORD,
Governor of Alaska, Sitka.

Lieutenant-Commander Newell to the Secretary of the Navy.

No. 8.] U. S. S. PINTA (FOURTH RATE),
Juneau, Alaska, May 24, 1887.

SIR: I have the honor to inclose the report of Lieutenant (Junior Grade) Emmons of a visit made to Klakwan, the head village of the Chilkat tribe of Indians.[a] It will be seen by the report that the popular belief that this village is fortified and is unaccessible except by water, and that only through narrow, shallow, and tortuous channels, is removed.

The desire of the chief, Chartrich, that the sale of molasses in large quantities to the Indians be stopped I shall communicate to the civil authorities for their information and such action as they can take in the matter.

* * * * * * *

Very respectfully,

J. S. NEWELL,
Lieutenant-Commander, Commanding.

Hon. SECRETARY OF THE NAVY,
Navy Department, Washington, D. C.

Governor Swineford to Lieutenant-Commander Newell.

DISTRICT OF ALASKA, EXECUTIVE OFFICE,
Sitka, Alaska, June 1, 1887.

SIR: I have the honor to acknowledge the receipt of your communication of May 23d, conveying the wish expressed by Chartrich, the chief of the Chilkat tribe of Indians, that the sale of molasses in large quantities to his tribe by the traders at Juneau, and elsewhere, be stopped. In reply I regret being compelled to say that the law places no restriction upon the sale of sugar and molasses to the natives, and that I am powerless in the premises. All I can do, at the most, is to prefer a request to the Juneau traders that they desist from making such sales, and leave them to heed the request or not, as they may see fit.

* * * * * * *

Very respectfully, yours,

A. P. SWINEFORD, *Governor.*

J. S. NEWELL,
Lieutenant-Commander, Commanding U. S. S. Pinta.

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[a] For extract of report, see Lieutenant Emmons' report to Secretary of the Navy, of March 28, 1903, on his service in Alaska, *post* page 406.

Governor Swineford to Lieutenant-Commander Newell.

DISTRICT OF ALASKA, EXECUTIVE OFFICE,
Sitka, Alaska, June 1, 1887.

SIR:

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I have received, per the steamer *Idaho*, a letter from Loring stating that there is trouble brewing with the natives at the mouth of the Junoc[a] River, which empties, I believe, into Behms Canal or channel about 40 miles above Loring, and I am asked, if possible, to come there, or, failing in that, to send the war ship to teach the natives a lesson—or rather to remind them that the Government is not unmindful of their misdeeds. The trouble is threatened by an Indian chief called Johnson, who has control of all the natives in that section and who two or three years ago burned a miner's house and provisions, and who, I am informed, less than a month ago drove all the men away from a fishing establishment at the mouth of the river in question. There is a very considerable and promising mining interest on the Junoc[a] River, and in my opinion the miners of that section are more in need of protection than those seeking the headwaters of the Yukon.

I have been told that you contemplate a trip to the southward as soon as you feel justified in leaving your present anchorage. If such be the case, and knowing your zealous desire to do all in your power to promote the interests of the Territory, I feel justified in requesting you, if not incompatible with your ideas of duty, to come this way and take me with you to the place of the threatened disturbance.

* * * * * * *

Very respectfully, yours,

A. P. SWINEFORD, *Governor.*

J. S. NEWELL,
Lieutenant-Commander, Commanding U. S. S. Pinta.

Governor Swineford to Lieutenant-Commander Newell.

DISTRICT OF ALASKA, EXECUTIVE OFFICE,
Sitka, June 21, 1887.

SIR: I have the honor to inclose herewith letter of Max Pracht, esq., in connection with which I desire to say that upon the representations herein made, together with the verbal statement of the elder Mr. Millar, my communication addressed to you under date of June 1, in which I requested the privilege of accompanying you to that section of the Territory, should you conclude to make a cruise in that direction, was based.

Should the alleged facts set forth be deemed by you sufficient to warrant you in visiting with your ship the various settlements in that part of the Territory, particularly the one where trouble is alleged to be imminent, and you desire, for any reason, to have a copy of the inclosure, I will cheerfully have such copy made. In the meantime if you will kindly return Mr. Pracht's letter I will be very much obliged.

Very respectfully,

A. P. SWINEFORD,
Governor of Alaska.

J. S. NEWELL,
Lieutenant-Commander, Commanding U. S. S. Pinta.

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[a] Unuk River.

ALASKA SALMON PACKING AND FUR COMPANY,
Loring, Alaska, May 27, 1887.

Governor A. P. SWINEFORD, *Sitka, Alaska.*

SIR: On behalf of Alexander V. Andrew Millar, and Joseph Millar, sr., of Burroughs Bay, mouth of Juneau[a] River, I beg to submit to you for consideration and action the following complaint, statement of facts, and appeal:

It has been a matter of complaint and a sore grievance among the miners, prospectors, and others, who during the last few years have sought to open up and develop the rich placer diggings of Juneau[a] River, that the self-styled local "Tyee," a Siwash of evil repute called "Johnson Old Man," with the assistance of his numerous "tillicums," consisting of several generations and branches of the "Johnson" family, has attempted, and in several cases prevented, the ascent of the stream by miners; has threatened destruction upon those who should again attempt the ascent, and it is alleged and believed, though for the want of eye-witnesses not proven, that he is the identical Siwash who robbed and burned the miners' cabins on the river in the fall of 1884, and is now said to be ready, for want of the proper restraining influence (a wholesome fear of the white man), to enter upon a season of arbitrary dictation to the compliance of his unreasonable and unacceptable demands, or in default thereof to "clean out" all the white men upon his "illihie," as he chooses to call all that territory including Burroughs Bay, all that portion of the Juneau[a] River within the boundaries of Alaska, and that portion of Behms Channel bounding Revilla Gigedo Island upon the east, and extending from the southern extremity of Hassler Island to the northern extremity of Revilla Gigedo Island, a distance of about 80 miles.

* * * * * * *

It is therefore the prayer of your many subjects, who are trying to develop this part of the vast Alaskan wilderness, that you send one of the two men-of-war, supposed to be at your disposal, to pay a visit to the disturbed district mentioned, and by her presence, by moral suasion, or, if needs be, by a little desirable artillery practice, convince these unworthy, ungracious, and ungrateful squatters upon the public domain of the United States (for be it remembered these Johnsons do not live in or upon this vast stretch of country, but at Cape Fox Town, claiming dominion only because of it being their self-appropriated so-called "hunting grounds") that there is a power beyond and superior to themselves which the white man respects and the Siwash must obey.

* * * * * * *

If the *Thetis*, on her way up the coast, could be induced to pass up Behms Channel, east side, and call in at Burroughs Bay, it is my belief that her presence will avoid the possibility of encroaching mischief on the part of the "Johnsons" during the coming season and prevent the opening of a war of extermination between them and the miners, who have perhaps sufficient cause, as is claimed, to make "good Siwashes" of most of the tribe.

With sincere respect, I am, yours, truly,

MAX PRACHT,
Superintendent Alaska Salmon Packing and Fur Company.

Lieutenant-Commander Newell to Governor Swineford.

U. S. S. PINTA (FOURTH RATE),
Sitka, Alaska, June 23, 1887.

SIR: I have the honor to acknowledge the receipt of your letters dated June 1 and 21, the latter inclosing a letter of Max Pracht, esq.: and in reply would state that it is my present intention, as soon as some necessary repairs now commenced are completed, to visit the settlements in southeastern Alaska, and I shall be most happy to offer you a passage on this vessel, as requested in your letters.

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Very respectfully,

J. S. NEWELL,
Lieutenant-Commander, Commanding.

Hon. A. P. SWINEFORD,
Governor of Alaska.

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[a] Junoc or Unuk River.

Lieutenant-Commander Newell to the Secretary of the Navy.

No. 9.] U. S. S. PINTA (FOURTH RATE),
Sitka, Alaska, June 16, 1887.

SIR: I have the honor to inform the Department that affairs throughout southeast Alaska remain in a quiet condition.

This vessel left Juneau on May 26, the day after the departure of the mail steamer, and proceeded to Portage Cove, Chilcoot Inlet, and then to Taiya Inlet, where she remained until June 8, when the return trip to Sitka was begun, arriving here June 14.

While at the head of Taiya Inlet a party was sent over the trail leading into the Yukon Valley as far as the summit, the boundary between Alaska and British America. The party returned the third day, and the report of the senior officer, Lieut. A. McCrackin, will be forwarded for the information of the Department by this mail.[a] The expenses for the transportation of this party I have made a public bill, which I trust will meet with the approval of the Department.

From Portage Cove to the head of Taiya Inlet I gave passage to Mr. S. Ripinsky, the Government school-teacher at Haines, and from the head of Taiya Inlet to Portage Cove I gave passages to Mr. Ripinsky and the family of George Dickinson.

While at Portage Cove I met a Canadian survey party under W. Ogilvie, and towed up to the head of Taiya Inlet their baggage.[a] This survey is divided into two parties; one under a Mr. Dawson, of the geological survey of the Dominion, who also has charge of the entire survey, has proceeded up the Stickeen River, then to cross to one of the branches of the Yukon, intending to descend it as far as the mouth of the Stewart River; the other party, under Mr. Ogilvie, started from Pyramid Island, Chilcat Inlet—the astronomical position of this island having been determined by the Coast Survey in 1869—having previously asked authority from me to begin these, which request I cheerfully granted,—and worked across the portage to Portage Cove; thence up Taiya Inlet, intending to follow the Indian trail over the mountains to the Yukon, descending that river and joining Mr. Dawson's party at the mouth of the Stewart River.

From this point Mr. Dawson will return by the way of Taiya Inlet, Mr. Ogilvie continuing on down the Yukon until the one hundred and forty-first meridian is reached, the boundary between Alaska and British America; there a stay of two months will be made to determine the location by observation. From this place Mr. Ogilvie intends ascending one of the branches of the Yukon, and then by a portage reach a branch of the Porcupine River, ascending that and by a portage reach Fort MacPherson on the Mackenzie River, ascending that river on his return trip. Mr. Ogilvie does not expect to complete his journey before November, 1888. The effects of this party had been transported, when I left, by the Indians to the summit of the divide, and Mr. Ogilvie had advanced some 10 miles from tide water.

* * * * * * *

William Moore, a British subject, is prospecting over the Indian trails with a view of making a better road to the interior; he informs

[a] See log U. S. S. *Pinta*, of May 31, 1887, *post* page 399.

me that he has a concession from the Canadian government to build one.

The Stick Indians, those inhabiting the interior, are British subjects. They come over into this territory and want to pack over the trails. It would be better if they confined themselves to their own territory, which begins at the summit of the divide.

* * * * * * * * *

Very respectfully,

J. S. NEWELL,
Lieutenant-Commander, Commanding.

The SECRETARY OF THE NAVY,
Navy Department, Washington, D. C.

Lieutenant-Commander Newell to the Secretary of the Navy.

No. 10.] U. S. S. PINTA (FOURTH RATE),
Sitka, Alaska, June 16, 1887.

SIR: I have the honor to inclose the report of Lieut. A. McCrackin upon the Indian trail leading from tide water at the head of Taiya Inlet into the interior, being the same generally traversed by miners, prospectors, and traders that enter the valley of the Yukon.

It is my intention, at the request of Claanot, second chief of the Chilkoot Indians, and with the knowledge of the civil government, for the information of the civil authorities and the benefit of the Indians, to present Claanot's statement, with such portions of Lieutenant McCrackin's report as bear upon the subject, to the authorities here, as Claanot is desirous to obtain an opinion as well as to present the views of the Indians on the trails leading into the interior.

In my letter to the Department, No. 7, of May 18, 1887, I referred to my intention to send a party over the trail to obtain a report upon the same.

With the hope that my action will meet with approval,
I remain, very respectfully,

J. S. NEWELL,
Lieutenant-Commander, Commanding.

The SECRETARY OF THE NAVY,
Navy Department, Washington, D. C.

[Report of Lieutenant McCrackin's trip over Chilcoot trail.]

U. S. S. PINTA (FOURTH RATE),
Schulze Cove, Alaska, June 11, 1887.

Lieut. Commander JOHN S. NEWELL, U. S. Navy,
Commanding.

SIR: I have the honor to make the following report of the trip over the Chilkoot trail leading into the interior from the head of Taiya Inlet, Alaska, which was made in obedience to your order of May 31, 1887, a copy of which is inclosed marked "Exhibit A."

The party, consisting of Ensign C. P. Plunkett, John Blake (M. at A.), David Sam (C. H.), and myself, then lying at anchor at the head of Taiya Inlet, reached the Indian village about 3 p. m. on May 31.

This village is about one mile from salt water, and is situated on the Taiya River. It consists of over one hundred tents, brush huts, and log houses, and is inhabited

during the packing season by the Chilkoots, although there are now in the village a few Stick Indians who have come out from the interior.

* * * * * * *

The Chilkoot Pass of the Kutusk Mountains is given as 4,100 feet above the level of the sea by Schwatka, who calls it Perrier Pass. A few hundred yards north of the summit is Crater Lake, which is said to be the head of the Yukon River. It was covered with ice and snow.

As this summit is the highest land on the trail between the Taiya Inlet and the Yukon River, it is probably on the boundary line between Alaska and British America; so the party did not go beyond it, except to look at Crater Lake, which is not all visible from the very summit.

* * * * * * *

In regard to packing over this trail, which is claimed by the Chilkoot tribe of Indians: Formerly, the Chilkoots would not permit any other person to use it, and they acted as middlemen between the white traders on the coast and the Indians of the interior. Now the Stick Indians bring their furs over the trail, and one of their chiefs told me that the Chilkoots did not interfere with their trading with the white men, but he said that the Sticks did not feel free to pack over the trail without the permission of the Chilkoots.

The first chief of the Chilkoots is Donawauk, who is quite old. The second chief, Claanot, is a young man, and has pushed himself into the first place in the tribe, and all seem to be afraid of him. Inclosed, marked "Exhibit B," is Claanot's statement.

There is one white man, George W. Carmack, engaged in packing over the Chilkoot trail. He told me that he had no trouble with the Indians, who do not interfere with his packing.

Another white man, John Wilson, had been packing, but he is now in Juneau.

Wilson had some difficulty with Claanot. Carmack, who was a witness, said that Wilson was to blame for the whole trouble, and his version of the affair agrees with Claanot's, which is inclosed.

Carmack says the Stick Indians came to him very much frightened when the *Pinta* came up the Taiya Inlet, as some busybody had told them they were all to be arrested and put in irons on account of the alleged shooting of white men in the interior by Indians.

The Stick chief told me that he did not feel that Claanot's statement that any person was at liberty to pack over the trail was intended to last longer than the *Pinta* was in sight, and that he would not now undertake to pack without first getting Claanot's permission, but in all my talks with Claanot he expressed himself as he has done in his statement.

Mr. Trowbridge, of the party the *Pinta* took from Sitka to Portage Cove, and who had come out for more supplies, said that the party that preceded his had paid Claanot $10 for a full pack (i. e., 100 pounds) to the summit, and that they could have made the same bargain, but they paid Claanot $10 for a half pack in order to keep on friendly terms. A Stick Indian came out with Mr. Trowbridge, and this Indian was willing to take a pack to Lake Lindemann for $10, but was afraid to do so on account of Claanot.

However, Mr. Trowbridge and all the other miners who were questioned said that while they thought the Stick Indians ought to be given a chance to pack, they had nothing to complain of Claanot, who "acted like a man whenever he was so treated."

In ascending the steepest part of the trail, I saw Claanot, who had no pack, take the pack of a white miner and carry it to the summit out of pure kindness, as he received nothing for it.

In regard to the rumor of toll being asked by Claanot, I believe there is no truth in it, for I could find no person who had paid toll or of whom it had been demanded.

Pack animals could be used on the greater part of the trail in its present condition, but, on account of the shortness of the season during which it is feasible to go into the interior, it is not probable that they will be used until the travel is largely increased.

The money value of the labor done on the trail is not great, but what has been done is due to the Chilkoots (Healy's work being comparatively nothing), who have claimed the trail and the sole right to use it, and their claims have always been acknowledged and respected until lately.

Of course the development of the interior, even if it is British territory, can not be retarded by this ownership of the trail by the Chilkoots; but the present needs of transportation are filled by those Indians, whose prices for packing to the summit—the probable extent of our territory—are not exorbitant.

The Chilkoots do not appear to be anxious to pack beyond the summit, and it would seem proper for the Stick Indians, who are British subjects, to do the packing on their own territory, and confine themselves to their own side of the mountains.

In case of a demand for increased facilities for transportation it seems just and proper that the Chilkoots should be paid for their trail—either a lump sum or so much for each pound that goes over the trail.

If it is found that Claanot's statement was not made in good faith, the civil authorities, with Indian police, could easily preserve order and enforce that statement.

If the Indians became ugly, a vessel stationed in Taiya Inlet or a company quartered at the village would have no difficulty in keeping the trail open, and the Chilkoots, who are a littoral tribe, in absolute subjection.

In conclusion, my thanks are due to Ensign C. P. Plunkett for his cooperation; also to John Blake (M. at A.) and David Sam (C. H.), the latter being a very good interpreter.

Very respectfully,

ALEXANDER MCCRACKIN, *Lieutenant.*

EXHIBIT A.

U. S. S. PINTA (FOURTH RATE),
Portage Cove, Chilcoot Inlet, Alaska, May 31, 1887.

SIR: It is desirable to ascertain the condition of the trail leading into the interior from the head of Taiya Inlet. For this purpose you are detailed as the chief of a party to go over the trail and return by the same route.

The party will consist of yourself as the senior member, Ensign C. P. Plunkett, John Blake, master-at-arms, and David Sam, coal heaver.

The trip will not be extended beyond the boundary line between Alaska and British America and, it is thought, will not consume more than five days.

Upon the completion of the duty you will return and resume your duties on board this vessel.

You will report to me in writing, in duplicate, the result of the trip, together with your observations and such opinions as you may desire to express.

Respectfully,

J. S. NEWELL,
Lieutenant-Commander, Commanding,
Senior Naval Officer Present.

Lieut. A. MCCRACKIN, U. S. Navy,
U. S. S. Pinta.

EXHIBIT B.

U. S. S. PINTA (FOURTH RATE),
Head of Taiya Inlet, Alaska, June 2, 1887.

I, Claanot, chief of the Chilkoot tribe, make the following statement:

Mr. Haley wishes to take away our road or trail to the Yukon, which my tribe does not like, as we made it long ago, and it has always been in my tribe.

We fixed the road good, so that the miners would not get hurt, and Mr. Haley is putting sticks or logs on it, so he can get pay for people going in over our trail, and we do not want to see that.

When the miners come here I talk kindly to them, but some of them begin to swear, and then they say I began the quarrel.

I always treat the miners kindly, and when they do their own packing I tell them that they had better let the Indians do their packing, so the miners will not hurt themselves on the trail, and some of the miners tell me that it is not my business, which hurts my feelings.

When the miners treat me right I will and do treat them as my children.

I am glad Mr. McCrackin went over the trail with me to see our work on the trail and what we did and how we treated the miners.

Not long ago I was nearly killed by a white man "John" (Wilson), who has since gone to Juneau. "John" made Haley's house and then did packing over the trail.

My tribe had borrowed lots of money from Haley and were going to make money by packing to repay Mr. Haley.

We had arranged to pack for some miners when "John" rushed in and took one of the packs and said he was going to do the packing.

"John" had been doing lots of packing and I asked him kindly, saluting him at the same time, to please not to pack this time, but to let my men do so, so that they

could get some money to repay Mr. Haley. "John" replied by calling me a ——, and I then called "John" the same name. "John" then rushed and took one of the miner's guns and wished to shoot me, when the miners took their gun from "John." These miners were very good friends of mine and they said they were going to tell Captain Newell the real facts of the affair.

"George" Carmack and a lot of my tribe saw the affair.

When the miners go in I would like them to arrange with me instead of the other men of my tribe, so as to save time and misunderstanding, as the Indians come to me anyhow as chief.

My tribe claims the winter trail over the river "Schkat-Quay" [Skagway]. We have three trails to the Yukon, and we claim all of them.

I do not object to miners doing their own packing, but I hate to see them doing work they are not used to.

I like to see white men, such as "George," pack for miners, and have no objection to their packing.

I have no objections to Stick, Chilcat, or any other Indian or white persons packing over our trails, but I and my tribe do object to Haley, or any other person, claiming our trails and monopolizing the packing.

We used to get all the furs from the Stick Indians, but they now trade with Mr. Haley, which ought to satisfy him without taking our trail.

I ask $10 for a half pack to pay me for my general supervision and responsibility of the packing, as I feel myself bound to see every man and pack through safe.

I never have asked or demanded toll from any person and do not do so.

(Signed) CLAANOT (his x mark).

Witnesses:

(Signed) C. P. PLUNKETT,

(Signed) ALEXANDER MCCRACKIN.

Lieutenant-Commander Newell to Governor Swineford.

U. S. S. PINTA (FOURTH RATE),
Sitka, Alaska, June 20, 1887.

SIR: I have the honor to inclose, at the request of Claanot, second chief of the Chilkoot Indians, a statement.[a] Claanot is desirous of obtaining an opinion from the court as to the rights of his tribe upon the subjects referred to in his statement.

Inclosed you will also find a report[a] made by Lieut. A. McCrackin, U. S. Navy, in obedience to my orders, which may be of assistance in forming an opinion.

Very respectfully,

J. S. NEWELL,
Lieutenant-Commander, Commanding.

Hon. A. P. SWINEFORD,
Governor of Alaska, Sitka.

Mr. Grant to Lieutenant-Commander Newell.

DISTRICT OF ALASKA,
DISTRICT ATTORNEY'S OFFICE,
Sitka, March 1, 1888.

Lieut. J. S. NEWELL,
Lieutenant-Commander, Commanding U. S. S. Pinta,
Sitka, Alaska.

DEAR SIR: Yours of June 20, 1887, with inclosures, and yours November 29, 1887, to Governor Swineford, were handed me on his departure with the request that I answer you direct.

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[a] For Lieutenant McCrackin's report on the Chilkoot trail, and Claanot's statement, see inclosures to Lieutenant-Commander Newell's No. 10, to the Secretary of the Navy, June 16, 1887, *ante* page 392.

The question on which you desire an opinion is, as I understand, the papers, "Have the Chilkoot Indians an exclusive right to the use of the trail built and maintained by them over the mountain pass to the headwaters of the Yukon River for the purpose of packing for hire?"

[Here is quoted section 2477 and section 1839 of the Revised Statutes of the United States.]

This would indicate that if the Indians had acquired any rights to the trail or to its exclusive use that such right remained intact.

But article 3 of the treaty with Russia by which Alaska became the property of the United States reserves no rights to the Indians, but shall be subject to such laws and regulations as the United States might adopt in regard to them. And by article 6 the said territory was declared to be free from any reservations, privileges, or franchises in favor of any companies or parties.

[Here is quoted section 8 of the Organic Act.]

I am of opinion that this clause, with section 1839, would cover the claim in controversy. There is no provision under the United States laws for a toll road, and the Oregon law which might be made applicable only applies to public highways already laid out and which might be leased by the county court for the purposes of a toll road for ten years. (Title 3, vol. 2, p. 1745, Hill's Annotated Laws of Oregon.)

As I understand the question, these people do not claim the right to exact toll, but having built this trail at their own expense and keeping it in repair they do claim the right exclusively to do all the packing for hire done for others passing over said trail. They claim to have built the trail and to have been exercising this right over it for a long time. If the trail was before impassable and has been made so [passable?] by their work, as I understand these papers, and was first used by them, then they are entitled, in my opinion, to protection in that right until Congress sees fit to act in the matter. I do not believe they have acquired such right as to prevent others passing or doing their own packing over said trail, and this should be explained to them. This trail as I understand was built by them for their own use in carrying on their trade with the natives on the Yukon. It certainly is not just or equitable that others should now avail themselves of the work and expense of these people for the purpose of making money out of it. If this is not one of the rights reserved to them by the Organic Act I don't know what it would include Their right is somewhat in the nature of an easement acquired by discovery and prescription and protected by the Organic Act and section 1839. (See Kent's Com., v. 3, p. 442 et seq.) As to how they can enforce their right might become a troublesome question.

Yours, truly,

WHIT M. GRANT,
District Attorney.

Extracts from logs of United States naval vessels on duty in Alaskan waters.

[Log of the United States flagship *Saranac*, second rate, 13 guns, under the command of Capt. Thomas S. Phelps, U. S. Navy.]

At anchor, head of Lynn Canal, A. T., Thursday, July 31, 1873.

Koh-klutch, chief of the Chilcat tribe of Indians, visited the ship.

[Log of the U. S. S. *Wachusetts*, third rate, 7 guns, under the command of Commander Edward P. Lull, U. S. Navy.]

At anchor off Chilcoot, Alaska, Tuesday, August 23, 1881.

Commanding officer and interpreter left the ship at 10 a. m., officially. At 11.40 commanding officer and interpreter returned to ship accompanied by "Shaitrich," one of the principal chiefs of the Chilcats. At 11.50 "Clacach" [Klokutch], a Chilcat chief, came on board with several subchiefs.

At anchor off Chilcoot, Alaska, Thursday, August 25, 1881.

Donawauk and Tlunar, two Indian chiefs from Chilcat, came aboard for passage to Sitka.

At anchor off Sitka, Alaska, Monday, August 29, 1881.

A conference was held on board between Chilcat and Sitka chiefs.

At anchor off Sitka, Alaska, Tuesday, August 30, 1881.

At 10.30 a delegation of Chilkats and one of Sitkas met on board to make their statements of the trouble existing between them, and to receive from the commanding officer his decision as to the terms of settlement.

[Logs of the U. S. S. *Adams*, third rate, 6 guns, under the command of Commander J. B. Coghlan, U. S. Navy.]

Anchored in Bartletts Cove, Glacier Bay, Alaska, April 22, 1884.

First and second whaleboats and second cutter surveying Bartletts Cove.

Chilkoot, making passage to Barton Cove, Alaska, Saturday, June 7, 1884.

At 6.15 started ahead and stood out of harbor of Chilcoot, standing down Chilcoot Inlet.

Engaged in taking bearings for running of survey of Lynn Canal.

[Logs of the U. S. S. *Pinta*, fourth rate, 2 guns, under the command of Lieut. Commander H. E. Nichols, U. S. Navy.]

At anchor Portage Harbor [Portage Cove, in Chilcoot Inlet], and making passage to Juneau, Wednesday, May 20, 1885.

At 9.15 first and second chiefs of the Chilcat tribe came on board ship, having been sent for by the commanding officer; also Mr. Willard (missionary at Haines Mission), for the purpose of explaining the late trouble between Indians and miners. An amicable settlement was concluded, and chiefs left the ship at 11.

Alongside wharf, Sitka, and making passage to Schultze Cove, Thursday, December 24, 1885.

A party consisting of his excellency Governor A. P. Swineford, Deputy United States District Attorney W. Clark, Special Deputy Marshal and Interpreter George Kostrometinoff, and Deputy Marshal J. Hamlin, and Indian Constables Katlean and Dick were taken on board for a trip to Shakan and return.

At anchor, Juneau, Alaska, Sunday, April 25, 1886.

Received on board for transportation to Chilcoot mining outfits of parties who are to accompany ship to that place.

At anchor, Juneau, and making passage to Portage Harbor, Alaska, Monday, April 26, 1886.

At 6.30 a. m. the following-named men came on board as passengers for Chilcoot, viz: W. S. Ham, J. S. P. Robinson, Fred. Hutchinson, Ernest Haff, C. Delventhal, H. Larbert, John Rhinehart, James Winn, James Caplin, J. S. Lansing, S. A. O'Brien, and one Indian, Aleck.

At anchor, Portage Harbor, Chilkoot Inlet, Alaska, Tuesday, April 27, 1886.

By the same order the marines on board were stationed as a crew at the heavy 12-pounder howitzer. Lowered S. waist boat and landed all passengers with their outfits.

At anchor Portage Harbor, Chilcoot Inlet, Alaska, Monday, May 3 1886.

At 1.40 the steam launch under charge of Ensign H. M. Dombaugh left the ship for the headwaters of Taiya Inlet to acquire such information as possible in regard to relations existing between Indians and miners.

At anchor Portage Harbor, Chilcoot Inlet, Alaska, Friday, May 7, 1886.

At 1.38 the steam launch, Lieut. J. W. Stewart in charge, left the ship for the headwaters of Taiya Inlet to make general and tidal observations.

At anchor Portage Harbor, Chilcoot Inlet, Alaska, Sunday, May 16, 1886.

At 11.10 a. m. steam launch in charge of Lieutenant Stewart went to the head of Taiya Inlet.

At anchor Portage Harbor, Chilcoot Inlet, Alaska, Tuesday, May 18, 1886.

At 1 Ensign H. M. Dombaugh, in charge of the steam launch, left the ship for headwaters of Taiya Inlet.

At anchor Portage Harbor, Chilcoot Inlet, Alaska, Monday, May 31, 1886.

At 10.30 a. m. steam launch with Lieutenant Stewart in charge left for the head of Taiya Inlet, taking in tow four canoes.

At anchor Portage Harbor, Chilcoot Inlet, Alaska, and under way Friday, June 4, 1886.

At conclusion of target practice stood in for Portage Bay and dropped dinghy with Lieutenant Stewart for purpose of occupying shore station while swinging ship.

At anchor Portage Harbor, Chilcoot Inlet, Alaska, Friday, June 18, 1886.

At 12.30 p. m. Ensign Dombaugh left the ship with steam launch for head of Taiya Inlet, returning at 10.30 p. m.

[Logs of the U. S. S. *Pinta*, fourth rate, 2 guns, under command of Lieut. J. S. Newell, U. S. Navy.]

At anchor, Portage Cove, and making trip to head of Taiya Inlet, Alaska, Tuesday, May 31, 1887.

From 10.15 until 10.45 waiting for canoe and lighter with the Canadian survey party. At 10.45 took them in tow.

* * * * * * *

At 2.30 p. m. Lieut. A. McCrackin, U. S. Navy, in charge of a party consisting of Ensign C. P. Plunkett, U. S. Navy, J. Blake (master at arms), and D. Sam (coal heaver), acting as interpreter, left the ship for the purpose of making a reconnoissance of the Chilcoot trail over the Divide.

At anchor, Portage Cove, Alaska, Wednesday, July 4, 1888.

Chief Donawauk came on board to hold a conference with the commanding officer.

At 10.10 Lieut. A. McCrackin and Ensign R. E. Coontz left the ship in whaleboat, with an armed crew of five men, and stood up for Tananei to arrest an Indian doctor.

[Log of the U. S. S. *Pinta*, fourth rate, under the command of Lieut. Commander O. W. Farenholt, U. S. Navy.]

At anchor, Pyramid Harbor, Alaska, Monday, April 28, 1890.

At 4.45 Governor L. E. Knapp and Mr. George Kostromitenoff, accompanied by Lieutenant Hodgson and Assistant Paymaster Webster and two men, left the ship in a canoe for the Chilcat village on the Chilcat River.

At anchor, Pyramid Harbor, making a passage to Taiya Inlet and Sitka, Alaska, Wednesday, April 30, 1890.

Commanding officer, accompanied by Governor Knapp and Interpreter George Kostromitenoff, left the ship to visit the village at the head of the inlet.

At anchor, Pyramid Harbor, Alaska, Saturday, July 18, 1891.

The Governor of Alaska and commanding officer, accompanied by United States district attorney, marine officer, paymaster, four marines, and six blue jackets, went on shore to visit Chilcat Indians.

Letters from naval officers.

U. S. F. S. HARTFORD,
Mobile, Ala., March 13, 1903.

SIR: 1. Referring to the telegram of the Bureau of Navigation dated March 13, 1903, I have the honor to submit the following statement:[a]

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[a] In confirmation of dates and acts of jurisdiction stated herein, see various logs of U. S. S. *Pinta*, from May 20, 1885, to June 18, 1886, *ante* pages 397, 398; also letter of Commander Nichols to Navy Department, dated June 8, 1886, *ante* page 383.

2. I was attached to the U. S. S. *Pinta* in 1883 and arrived in Alaskan waters about August, 1884, the *Pinta* relieving the *Adams* at Sitka. From that time until the arrival of the civil governor, the commanding officer of the *Pinta* exercised the functions of governor of Alaska. This authority was recognized by the Indians residing on the continental shores from Port Simpson to the head of Dyea Inlet. The *Pinta* visited Chilkat and Portage bays, Juneau, Fort Wrangel, and Killisnoo. The leading men of these villages came on board and paid their respects to the captain. The regulations of the commanding officer of the *Adams* were confirmed, and the Indians were informed that murder, drunkenness, and the manufacture of an intoxicating liquor called hootchinoo would not be permitted and would be punished.

In 1885 the *Pinta* visited nearly all the principal harbors in southeastern Alaska from Port Simpson to Port Etches. The authority of the commanding officer was recognized by the Stickeen Indians at Fort Wrangel, the Auks and Takus at Juneau, and the Chilkats and Chilkoots above the Lynn Canal, and the Yakutats at Yakutat Bay. At no port visited by the *Pinta* was there any question raised as to the authority of the commanding officer to make regulations or punish offenses. In 1886 the *Pinta* went to Portage Harbor, at the head of the Chilkoot Inlet, to settle difficulties between the Chilkoot Indians and miners then encamped at the mouth of the Dyea River, at the place now called Dyea.

I was ordered to proceed, in charge of an armed party of eight men in the steam launch with a Gatling gun, to the head of the Dyea Inlet to try and settle peacefully, if possible, the difficulties which existed, to prohibit the sale of intoxicating liquors at the camp, and to arrest any Indian who was found drunk and bring him back to the *Pinta*. I was also directed to inform the chief of the Chilkoot Indians that any Indian in the Territory who wished to carry packs over the Chilkoot Pass would be allowed to do so, against the claim of the Chilkoots that that pass belonged to them, and that if necessary the whole armed force of the *Pinta* would be used in protecting those so engaged. After carrying out my instructions I returned to the ship. Subsequently Lieut. George T. Emmons made a trip to the same place, and later I made a second trip with the object of letting the Chilkoot Indians know that the commanding officer was particular in seeing his instructions carried out. During my service in Alaska, covering a period of two years and four months, no other trouble was experienced with the Indians inhabiting the continental shores or inlets.

3. I have telegraphed home to have my instructions from Commander H. E. Nichols, commanding U. S. S. *Pinta*, if found, to be forwarded to the Bureau.

Very respectfully,

H. M. DOMBAUGH,
Lieutenant-Commander, U. S. Navy.

The CHIEF OF BUREAU OF NAVIGATION,
Navy Department, Washington, D. C.

BRANCH HYDROGRAPHIC OFFICE,
Savannah, Ga., March 14, 1903.

SIR: 1. Replying to the Bureau's telegram of this date, I have the honor to report as follows:

2. I have no memoranda at hand, and must trust entirely to memory.

3. I was on duty in southeastern Alaska, on board the *Pinta*, from (about) September, 1884, to October, 1886. For about one month of that period Lieutenant-Commander Caldwell, U. S. Navy, commanding the *Pinta*, exercised command of the district, but, so far as I know, only carried out previous custom in having the Indian quarters inspected once a week by the lieutenant in command of the marine guard. This at Sitka.

4. Then Lieut. Commander H. E. Nichols, U. S. Navy, came to take command of the *Pinta*, and by the same steamer the civil government established by Congress. During the remaining two years of my duty I think the commanding officer acted on matters concerning the Indians on the advice of the civil authorities. I was personally sent to Dyea, at the head of Lynn Canal, several times, under orders from Lieutenant-Commander Nichols, U. S. Navy, to preserve order between the Indians and miners, with discretionary orders as to how to act in case of trouble.[a] Also, by the same authority, I searched for illicit stills on several occasions, with similar discretionary orders. None of the civil officers were on board at these times.

5. There were a few arrests of Indians made for witchcraft and for illicit distilling by Lieutenant-Commander Nichols, U. S. Navy. Whether or not they were made by the advice of the civil authorities I do not know.

6. If this reply is not sufficiently explicit, I shall be pleased to sup plement it with further particulars.

Very respectfully, JOHN W. STEWART,
Lieutenant, U. S. Navy.

THE CHIEF OF BUREAU OF NAVIGATION,
Washington, D. C.

[Cablegram.]

SAN JUAN, P. R., *March 16, 1903.*

SECRETARY OF THE NAVY, *Washington:*

Both heads of the Lynn Canal, Alaska, visited but once.[b] Placed buoy on shoal near Haines Mission. No occasion to interfere in any way. Everything was quiet. Indians seemed to obey the United States laws and regulations and gave no trouble that I remember. Always treated Chilkat and Chilkoot inlets as part of the United States territory. No objection on the part of anyone to our authority there. Indians called themselves Boston Indians. British Indians southward called themselves King George Indians. This from memory. No papers of any kind to refresh it. Taku Inlet and Portland Canal, to the east of Behm, and all inlets from Stephen Passage regarded under the United

[a] See logs U. S. S. *Pinta* of May 7, 16, 31, and June 4, 1886, *ante* page 398.

[b] Admiral J. B. Coghlan visited the head of Lynn Canal in 1884. See log of U. S. S. *Pinta*, June 7, 1884 *ante* page 397.

States authorities and occasionally visited as required. Miners of all nationalities accepted the authority of the United States over all territory mentioned.

COGHLAN,
Commander of Caribbean Squadron, North Atlantic Fleet.

WASHINGTON, D. C., *March 28, 1903.*

SIR: In accordance with your verbal instructions I submit herewith a report of my service in the waters of Alaska Territory.

(1) I would state that my time of service in southeastern Alaska extended over a period of twenty years, from 1882 to 1903, with intervals of absence. Attached to the U. S. S. *Adams*, September, 1882, to July, 1884. Attached to the U. S. S. *Pinta*, May, 1885, to July, 1887. Studying natives of Alaska, March, 1888, to October, 1889. Attached to the U. S. S. *Pinta*, July, 1890, to January, 1892. Duty under Interior Department, Alaska, January, 1892, to September, 1892. Attached to U. S. S. *Pinta*, April, 1894, to September, 1896. In Alaska not on duty in 1899, 1900, and 1901. On Government service in Alaska, May, 1902, to September, 1902.

(2) During this period of service the men-of-war to which I was attached cruised continually along the mainland coast of Alaska and the outlying islands of the Alexander Archipelago, from Portland Canal to Dixons Entrance, to the head of Lynn Canal, and through Icy Straits and Cross Sound, and seaward as far west as Yukatat or Bering Bay, visiting all of the settlements, anchorages, and inlets along the coast in order to render assistance to those in need, to preserve order among both whites and natives, and to enforce the statutory laws of the United States at the discretion of the commanding officer.

Prior to the establishment of civil government in Alaska, in 1885, the commanding officer of the naval vessel stationed in those waters represented the law supreme; he touched at the native villages, received the chiefs, listened to the complaints of the people, arbitrated and judged the cases, and punished the guilty. Under the orders of the commander, the medical officer of the man-of-war inspected the natives, prescribed for them, and dispensed Government medical stores free. When necessity required, armed detachments were landed from the vessel to preserve order or make arrests. After the establishment of civil law in the Territory the naval commander cooperated with the Government officers to enforce the law and to police the country.

The question of absolute jurisdiction over the mainland coast, including all of the inlets and arms of the sea reaching inland from the head of Portland Canal to the head of Lynn Canal and extending inland over the Chilkoot or Dyea Pass and the Chilkat passes, was never to my knowledge questioned by the whites of any nationality nor the resident natives within these limits. In fact, all of the whites going inland over these passes to the valley of the Yukon looked to and constantly appealed to the naval commander here stationed for assistance and protection, and frequent complaints from both whites and natives of trouble growing out of packing over the Dyea Pass were presented to the commander for adjustment.

My duty and investigations among the natives of Alaska have, through twenty years, frequently brought me in connection with the Chilkat and Chilkoot people. I have visited all of their villages many times. I have traveled through their country from the head of the

Kar-arlth to the head of the Thlehini rivers. I have made a study of their history, and I have lived with them on the most intimate terms, until they have given me one of their family names and look upon me as one of themselves, and never once have I heard them question the jurisdiction of the United States over their country to and including the mountain passes nor as to their position as United States subjects. And since the establishment of Canadian custom-houses at the passes and on the Chilkat and Thlihini rivers they have often expressed themselves and appealed to Government officers against what they considered as an assumption of authority over a country under our flag.

Upon occasions of ceremony, both over their houses and in their canoes, they display our flag, and in the village of Kluckwan one of the principal chiefs preserves as a trophy an English flag captured at Fort Selkirk, on the Pelly River, in 1852, when a Chilcat war party captured and destroyed that post of the Hudson Bay Company.

For particular cases of the exercise of jurisdiction over the mainland coast, and more particularly in the Chilkat and Chilkoot country, which have come particularly under my personal observation, I would offer the following statements, substantiated when possible by extracts from ships' logs and other official records and certified copies of my original orders.

During the month of June, 1883, I received a written order from Commander E. C. Merriman, U. S. Navy, commanding U. S. S. *Adams*, to go ashore with an armed boat's crew and to arrest a certain native in the Auk village of Sinta-ka-heen-ee, near Juneau, and "to bring him off to the ship dead or alive." In compliance with these orders I surrounded and captured the entire household to which the man belonged, but upon finding that he was absent hunting I released those taken.

In the spring of 1884, while the U. S. S. *Adams* was engaged in surveying Lynn Canal, a buoy was planted in Lynn Canal to the northward of Vanderbilt Reef.

In the winter of 1887 or early in 1888 Governor A. P. Swineford, of Alaska, arrested Claanot, the second chief of the Chilkoot tribe, at the head of Lynn Canal on board ship and brought him to Sitka in custody for an alleged offense on the Dyea or Chilkoot Pass, but upon investigation he was discharged, as the evidence was not sufficient to hold him.

During the winter of 1888 a deputy marshal and posse were dispatched from Juneau, Alaska, to apprehend and arrest Coudewot, a chief of the Chilkat tribe living at Klokwan on the Chilkat River. The posse ascended the Chilkat River to within a short distance of the village, and the deputy marshal went to the village named and attempted to make the arrest, but was prevented from so doing by George Shartrich, a chief of the Chilkats (a relation of Klo-Kutch or Shartrich, the old chief of the Chilkats),[a] and other members of the

[a] A Thlinket Indian of southeastern Alaska usually had two or more names, given or received at different periods of his life. Thus, the Chilkat chieftain was indiscriminately called Klo-kutch or Chartrich. The spelling of Indian names, being phonetic and often representing sounds difficult of expression by the letters of our alphabet, differs according to the understanding or idea of the writers who attempt to reproduce them. The name Klo-kutch is spelled also Kok-kutch and Clacach; and Charrich appears in some cases as Shartrich or Chartridge. There are numerous other variations of these names, and an equal variety in the orthography of nearly all native nomenclature.

family, and he returned to Juneau, but some months later Coudewot was arrested and tried and imprisoned in California for several years.

Three years later (1891) George Shartrich, the Chilkat chief, who had prevented the arrest, was himself arrested on the Chilkat River by Deputy Marshal J. J. Healey and sent to Sitka; this was in 1891. He was bailed by me until the fall term of court at Sitka, Alaska, when he was tried, convicted, and sentenced to a year or more imprisonment, which he served.

During the spring and summer of each year of my services in Alaska from 1882 to 1896 it was customary for the naval vessel to visit the head of Lynn Canal and spend more or less time at anchor in Portage Bay, Pyramid Harbor, and Taiya Inlet, as trouble always existed between the miners and prospectors bound for the Yukon Valley and the resident natives. The year of 1886 was one of particular activity, and I find upon consulting the log book of the U. S. S. *Pinta* that the vessel, accompanied by a large steam launch, remained anchored in these waters for a period of thirty-five days, through the months of May and June. An active supervision was maintained over the white and native camps at the head of Taiya Inlet. Officers in charge of armed parties constantly visited the camps, with orders to preserve peace and make arrests when necessary and to prevent the sale of intoxicants to the natives, and in no instance was the jurisdiction of the United States Government over this Chilkoot or Chilkat country questioned by either white or native.

On May 22, 1886, while serving on board the U. S. S. *Pinta*, at anchor in Portage Bay, Alaska, I received verbal orders from the commanding officer, Lieut. Commander H. E. Nichols, U. S. Navy, to proceed with an armed party in the steam launch to the native village of Tananei and destroy all liquor and native stills found there. In the official log of the ship for that date there appears: "At 3.45 p. m. steam launch left the ship, in charge of Lieutenant Emmons, to make a search for hoochenoo or distilling apparatus in small village en route to Chilkoot River. At 5.15 p. m. launch returned, having found and destroyed a portion of one still."

On May 24, 1886, while serving on board of the U. S. S. *Pinta*, at anchor in Portage Bay, Alaska, I received from the commanding officer, Lieut. Commander H. E. Nichols, U. S. Navy, written instructions, of which the following is a copy:

MAY 24, 1886.

MEMORANDUM INSTRUCTIONS FOR LIEUTENANT EMMONS.

Deliver the letter to Captain Healey.
Raid the house where the hoochenoo is made.
Dombaugh can give you particulars.
Arrest anyone you may find in the act of making it.
Find the people who live around the point here, and let them know they will get into serious trouble if they continue to distill.
You are authorized to destroy any and all liquor you may find at the camp.
Get all information possible regarding packers and miners and of those who have gone in.
Return to-morrow night unless, in your judgment, it is necessary to remain longer. Make memorandum report of trip in writing

Respectfully,

H. E. NICHOLS,
Commanding Pinta.

There appears in the official log of the U. S. S. *Pinta*, for May 24, 1886:

At 1.45 p. m. Lieutenant Emmons with party in steam launch left for the head of Taiya Inlet.

And on May 25, 1886:

Steam launch with Lieutenant Emmons in charge returned from the head of Taiya Inlet.

On June 2, 1886, while serving on board of the U. S. S. *Pinta*, at anchor in Portage Bay, Alaska, I received from the commanding officer, Lieut. Commander H. E. Nichols, U. S. Navy, written instructions, of which the following is a copy:

JUNE 2, 1886.

MEMORANDUM INSTRUCTIONS FOR LIEUTENANT EMMONS.

Take Shartrich and the madam up to the camp. Consider previous instructions as generally in force. Return to-night (weather permitting). Say to the red-headed doctor, in the presence of Donawawk or Clanoot, if possible, that he will be held strictly to account for any trouble that may be made through his influence. Shartrich will have some things to bring down.

Respectfully,

H. E. NICHOLS,
Commanding Pinta.

Have a little eye out for the three trappers who last went up.

There appears in the official log of the U. S. S. *Pinta* for June 2, 1886:

Steam launch with Lieutenant Emmons in charge left for the head of Taiya Inlet and returned at 6.40 p. m.

On June 4, 1886, while serving on board of the U. S. S. *Pinta*, at anchor in Portage Bay, Alaska, I received from the commanding officer, Lieut. Commander H. E. Nichols, U. S. Navy, written orders, of which the following is a copy:

U. S. S. PINTA, *Chilcoot, June 4, 1886.*

SIR: The *Pinta* will go to Juneau to-morrow, to be absent one week, more or less. During her absence you will remain here in charge of the launch and her crew. The general tenor of your instructions are the same as you have received from time to time for the miners' camp up the Taiya.

Use your own discretion as to visiting the camp. I heard that ten more miners are expected. If it should come to your knowledge that Mr. Martin sells molasses in large quantities, or Florida water, or ginger, or anything that causes intoxication among the Indians, you will please in my name request him to stop such traffic.

Use your discretion about allowing any or all of the crew to sleep in any unoccupied house that may be offered to you.

In addition to the regular crew of the launch, Sergeant Williams, U. S. Marine Corps, is detailed with your party.

Respectfully,

H. E. NICHOLS,
Commanding Pinta.

Lieut. G. T. EMMONS, U. S. Navy,
U. S. S. Pinta.

You are authorized to employ an interpreter whenever necessary.

There appears in the official log of the U. S. S. *Pinta*, of June 5, 1886:

William Cook (seaman), M. Sullivan (seaman), Mr. Carroll (second-class fireman), and Sergeant Williams (U. S. Marine Corps), with the steam launch and dinghy, left at this place with Lieutenant Emmons in charge.

I quartered my men, who were fully armed, on shore at Portage Bay in the native village of Dashu, or, as it was generally known, Chilkoot, during the absence of the *Pinta* and exercised absolute juris-

diction over the native village and the Chilkat and Chilkoot country about. The official log of the U. S. S. *Pinta* shows that the ship returned and anchored in Portage Bay June 17, 1886.

On April 30, 1887, while serving on board the U. S. S. *Pinta*, at anchor in Portage Bay, Alaska, I received from the commanding officer, Lieut. Commander J. S. Newell, U. S. Navy, written orders, of which the following is a copy, together with extracts from my report:

U. S. S. PINTA (FOURTH RATE),
Portage Bay, Chilkoot Inlet, Alaska, April 29, 1887.

SIR: You will visit Klokwan village, the headquarters of the Chilkat Indians, and upon your return report, in writing, your observations, making your report as full and comprehensive as time and the opportunities at your command will permit.

Assistant Paymaster M. R. Calvert, U. S. Navy, and Peter Church, interpreter, will be associated with you on this duty. Mr. A. E. Austin having volunteered to accompany you, he will be regarded as one of the party, and his services as an additional interpreter will, if necessary, be made use of.

Upon the completion of this duty—which, it is thought, can be completed within four days—you will return and resume your duties on board of this vessel.

Respectfully,

J. S. NEWELL,
Lieutenant-Commander, Commanding, and Senior Naval Officer Present.

Lieut. G. T. EMMONS, U. S. Navy,
U. S. S. Pinta.

EXTRACTS FROM REPORT.

U. S. S. PINTA (FOURTH RATE),
Juneau, Alaska, May 13, 1887.

SIR: In accordance with my orders of date of April 29, 1887, I have the honor to submit the following report of a visit to main Chilcat village of Klo-kwan, situated on the Chilcat River, some 30 miles above its juncture with the inlet of the same name.

* * * * * * *

At 7 p. m. (May 3) we arrived at Klo-kwan, the chief village of the Chilkat people, and were conducted to the presence of the chief, Chartrich, or Klo-kutch, who received us most cordially and thoughout our stay entertained us most hospitably, placing at our disposal a fine, well-appointed house, where clean and comfortable feather beds were spread and attendants appointed to supply our wants. In conversation he expressed his great friendship for the whites, which he has ever proved by his pacific actions and the good influence he has exerted to prevent trouble in the past. He desired me to express to you his disapprobation of the action of traders in Juneau in selling to his people unlimited supplies of molasses, whereby they are enabled to manufacture hoochenoo, which they not only drink to their destruction, but carry into the interior as an article of trade with other tribes. He also said that he desired to lay before you some differences existing between his people and the Chilcoots in regard to packing and fishing rights. He is most anxious that a school be established in the village, as they wish their children to be educated in the white man's ways, and at the same time desire to keep them at home. I delivered your present to the chief, together with numerous others, which we all made to him and his family, which were all greatly appreciated and recognized by others in return.

* * * * * * *

The chief desired me to carry to you his warmest feelings of friendship and good will and to say that immediately upon his return from the interior he would be glad to accept your invitation to visit you on board ship.

* * * * * * *

Very respectfully,

G. T. EMMONS, *Lieutenant, U. S. Navy.*

Lieut. Commander J. S. NEWELL,
U. S. Navy, Juneau, Alaska.

Very respectfully,

G. T. EMMONS,
Lieutenant, U. S. Navy, Retired.

The SECRETARY OF THE NAVY,
United States Navy Department, Washington, D. C.

NAVY DEPARTMENT, BUREAU OF NAVIGATION,
Washington, D. C., April 6, 1903.

SIR: Replying to the request of the Secretary of State, desiring information respecting naval operations in Alaska, I respectfully state that on the afternoon of July 31, 1873, while attached to the U. S. flagship *Saranac*, Rear-Admiral A. M. Pennock, U. S. Navy, commanding the North Pacific Squadron, and anchored at the head of Lynn Canal, to the northward of Davidson Glacier, in Alaska, Kho-Klutch, the chief of the Chilkat tribe of the Thlinkets of southeastern Alaska, visited the ship, in company with several subchiefs and members of his tribe, for the purpose of arranging a peace with the Stickheen tribe of Fort Wrangel, through the medium of the commander in chief, who had previously held a conference with these people.[a]

The Chilkat chief accepted with dignity the authority of the commander in chief and agreed to the terms which he proposed, and he signified in his every action that he considered himself a true subject of the United States, and that he appreciated and recognized the jurisdiction of the United States over the Chilkat people and the territory occupied and claimed by them.

Very respectfully,

H. C. TAYLOR,
Rear-Admiral, U. S. Navy.

The SECRETARY OF THE NAVY.

EXERCISE OF JURISDICTION IN ALASKA BY JUDICIAL AUTHORITIES.

The Attorney-General to the Secretary of State.

DEPARTMENT OF JUSTICE,
Washington, D. C., April 13, 1903.

The SECRETARY OF STATE.

SIR: In accordance with your request, I transmit herewith memoranda taken from the records and archives of this Department and other papers obtained by the judicial authorities of Alaska relating to the exercise of authority on the part of the representatives of the Government of the United States on the mainland territory of southeastern Alaska.

Respectfully,

P. C. KNOX,
Attorney-General.

Memoranda of cases.

1887.

The following pardon case was tried at Juneau, Alaska:

United States *v.* John (an Indian).

Charged with rescuing a prisoner. The defendant is the chief of a tribe of Indians on Berners Bay, some 50 miles from Juneau. One of his tribe, in July, 1887, having killed his wife, a deputy marshal

[a] See log of U. S. flagship *Saranac* of July 31, 1873, *ante* page 396.

was sent with a posse to arrest the murderer. The arrest was made, and the Indians themselves were conveying in their canoe the deputy and his interpreter and the prisoner to Juneau, but before they got there the Indians decided that the murder had been settled for "according to their own laws" and it was not right to give up the prisoner, so they landed the party, pushed the deputy to one side, placed the prisoner in a cabin, and guarded him there. The deputy proceeded to Juneau and, returning with a large posse, secured the prisoner.

Defendant was convicted at the November term, 1887, and later sentenced to six years' imprisonment at McNeils Island penitentiary, Washington.

President Harrison, on May 8, 1889, granted the defendant a pardon.

1888.

The following case was tried before Louis L. Williams, United States commissioner at Juneau, Alaska:

United States *v.* Charley (an Indian).

Complaint made by Walk-on-ass (an Indian); offense charged, larceny; offense committed at Chilcoot, Alaska, November 20, 1888; residence of accused, Douglas City, Alaska; defendant discharged. The witnesses were Walk-on-ass, Jimmie (an Indian), and Rev. E. J. Williard, the first two of Chilcoot and the last of Juneau.

1889.

The following cases were tried before Louis L. Williams, United States commissioner at Juneau, Alaska:

United States *v.* Frank Gudmamen.

Complaint made by Henry H. Wheeler; offense charged committed at Chilkoot, Alaska, on June 30, 1889; residence of accused, Juneau, Alaska; defendant discharged. The witnesses were H. W. Wheeler and Frank Pondexter, both of Chilkoot.

United States *v.* Robert Ohman.

Complaint made by H. W. Wheeler; offense charged, larceny; offense committed at Chilkoot, Alaska, on June 30, 1889; residence of accused, Douglas City, Alaska; defendant discharged. The witnesses were H. W. Wheeler and Frank Pondexter, both of Chilkoot, Alaska.

1890.

The following case was tried before W. R. Hoyt, United States commissioner, Juneau, Alaska:

United States *v.* John Bjerkland.

Complaint made by J. J. Healey; offense charged, violation of section 669 (p. 437), Oregon statute; offense committed at Chilcat, Alaska, October 7, 1890; residence of accused, Chilcat; defendant convicted and sentenced to Sitka jail.

1891.

PARDON CASE.

United States *v.* George Chartrich.

Arrested in spring of 1891 on Chilkat River, on the charge of "assaulting and resisting an officer of the United States, section 5398,

Revised Statutes United States;" tried at Sitka, Alaska, September 8, 1891, and sentenced to three months' imprisonment and to pay a fine of $50; request made for pardon September 24, 1891; adversely reported upon by the attorney-general of the United States December 14, 1891.

1892.

The following cases were tried by W. R. Hoyt, United States commissioner, Juneau, Alaska:

United States *v.* Tom (an Indian).

Complaint made by C. S. Blackett; offense charged, murder; offense committed at Chilcat on July 4, 1892; residence of accused, Chilcat; defendant held for grand jury.

United States *v.* John Wade.

Complaint made by C. S. Blackett; offense charged, manslaughter; offense committed at Chilcat on July 5, 1892; residence of accused, Chilcat; defendant held to grand jury. Witnesses: S. H. Perin and J. P. Lindsay, Chilcat.

United States *v.* M. V. Sharp.

Complaint made by Max Endleman; offense charged, selling liquor (section 14, organic act); offense committed at Chilcat on July 4, 1892; residence of accused, Chilcat; defendant held to grand jury. Witnesses: John Timons and W. F. Reed, of Juneau.

1893.

The following case was tried by W. R. Hoyt, United States commissioner, Juneau, Alaska:

United States *v.* John Dalton.

Complaint made by John G. Hood; offense charged, murder (Rev. Stat.. 5339); offense committed at Chilcat, March 5, 1893; residence of accused, Chilcat; defendant held to grand jury. Witnesses: Edward (Indian), William Paddock, et al., Chilcat.

1894.

The following cases were tried before H. W. Mellen, United States commissioner at Juneau, Alaska:

United States *v.* Jack McGlotchlin.

Complaint made by W. M. Hall; offense charged, selling whisky; offense committed at Dyea on May 30, 1894; residence of accused, Juneau; defendant discharged. The witnesses were Jim (an Indian), Shu-utie, and W. M. Hall, all of Dyea. (Page 7 of same account shows entry in same case where defendant was held to district court.)

United States *v.* An-ta-Yache.

United States *v.* Go-nah-Kah.

Complaint made by Ed Armstrong; offense charged, manslaughter (O. C., sec. 511) and assault (sec. 536); offense committed at Chilcoot on August 19, 1894; residence of accused, Chilcoot; held to answer. The witnesses were Ed Armstrong and Go-nah-Kah, of Juneau and Chilcoot, respectively.

United States *v.* Scun-doo.

Complaint made by Gleh-naw; offense charged, murder (sec. 506); committed at Chilkat, March 24, 1894; residence of accused, Chilkat; defendant held to district court. Witnesses: Glah-na-ay, Goo-deh-yak, et al., of Chilkat.

Examiner Dougall to the Attorney-General.

DEPARTMENT OF JUSTICE,
Sitka, Alaska, July 25, 1892.

The ATTORNEY-GENERAL.

SIR: While on duty at Juneau, Alaska, on July 8, 1892, news of a double murder at Chilcat reached me, and I beg now to make a report thereon, as I know that many conflicting rumors will be afloat concerning the affair.

The steamer *Chilcat* arrived in the harbor, having on board the corpse of one Frank Marx (white), who had been killed at Chilcat, also a white man named "Scotty," who was severely wounded, and brought the information that an Indian named "Yah-guido-clin" had been killed and one "Qualth," an Indian, was badly wounded.

United States Commissioner William R. Hoyt, of Juneau, caused a coroner's jury to be impaneled at once, who viewed the body of Frank Marx and also caused Dr. James K. Simpson to make a post-mortem examination thereof. The witnesses being all at Chilcat, some 80 miles distant, and the body of the murdered Indian also being there, the commissioner, acting as coroner, deemed it prudent to repair thither with the jury, the physician, the deputy United States marshal, Deputy United States Attorney C. S. Blackett, and an interpreter. He placed a warrant in the hands of the deputy United States marshal for the arrest of "Tom," a Chilcat Indian, the reputed murderer of Frank Marx. There being no direct communication between Juneau and Chilcat, the deputy United States marshal chartered the steam launch *Seaolin* and had her provisioned, and they all started for the scene of the murders at 10 a. m. July 9. While en route they met Special Deputy United States Marshal John Dalton on board the steam launch *Lilian*, having in charge three prisoners implicated in the trouble. These they took on board the *Chilcat* and took them all back to Murray's cannery, near Chilcat, where they arrived at 10 a. m. July 10.

Chilcat is situated 59° 11′ north latitude and is at the Chilcat River, which is at the head of Lynn Channel and on the right, while Chilcoot is on the left on Chilcoot River. It is an important center of the fur trade and there are three salmon canneries in the immediate neighborhood which have been in operation for some years. The largest salmon-fishing interests in Alaska are here. Chilcat is not on the regular mail-steamer route and therefore is cut off a great part of the year from outside communication; yet it is the point of departure of prospectors and miners by the overland route to the great Yukon Valley, the exit being at St. Michael on the coast near the mouth of the Yukon River. The Chilcats are the most numerous and warlike tribe in southeastern Alaska.

Between the money paid these Indians for fish purchased of them by the cannery companies and that received for packing goods across the portage to the headwaters of the Yukon, the Chilcats have become one of the wealthiest tribes of aborigines in Alaska. In 1890 $30,000 was distributed to them for fish alone, in 1901 $20,000 was distributed, and for this year $10,000 to $12,000 will be distributed. This decrease is because of the insolence of the Indians and the injury they have done, and the threatened destruction of the property of the canneries. This year they have employed more white men and China-

men and have used more boats and gear. See testimony of Hugh Murray and Samuel H. Perrin, hereto appended.

At Chilcat the coroner's jury made careful inquiry into the causes of the death of the Indian and white man, also the cause of the trouble; they examined over twenty witnesses. The U. S. S. *Pinta*, Lieutenant-Commander Maynard commanding, was lying at anchor in Chilcoot River, which is just across a narrow neck of land from Chilcat. Indian Tom, the reputed murderer, having boasted that he would not be taken alive, it was deemed advisable to call on Commander Maynard for a "posse comitatus" to aid the deputy United States marshal in making the arrests. He immediately responded and detailed Lieut. David Peacock, Ensign R. E. Coontz, and Surg. L. P. Stone, with six marines and thirteen seamen. He showed every disposition to render aid or assistance to the civil authorities, and also to protect the lives and property of citizens. With their assistance Indian Tom was secured without any more bloodshed, as also was an Indian named "Qualth." After completing these investigations the coroner's jury and the officials returned on the *Chilcat* to Juneau, bringing with them the reputed murderer, "Tom," and "Qualth," arriving there on the morning of July 13.

From the testimony adduced before the jury and statements made by those interested or present, I gather that the whole trouble arose from whisky furnished by whites to Indians on the Fourth of July, especially toward evening.

There are four saloons at Chilcat and also a dance house, to wit: Oleson & Stearns, M. V. Sharp, Joe Tugueiro, and Silas Gibson. All of them were selling liquor in Alaska in violation of section 14 of the organic act and section 955, Revised Statutes. Yet all have paid the special tax as retail liquor dealers (thereby having the quasi consent of the Internal Revenue Bureau to engage in the business). From the testimony hereto appended it is apparent that these four saloons can not subsist solely by supplying whisky to white men, and being in the business to make money the natural result is that they will sell, either directly or indirectly, to Indians. Consequently the present trouble.

The traffic in liquor at Chilcat is the growth of the present administration. When Mr. C. S. Johnson took charge as United States district attorney there were no open saloons at that place or in that neighborhood; now there are four. No effort seems to have been made to stop their growth.

A simple narration of the current events in this "Chilcat trouble" might be given as follows: On the Fourth of July the Chilcat Indians got drunk, and toward night they were pretty full. One of them, "Qualth," in a drunken reel, fell on or against a white man named Jack Wade, who immediately knocked him down. Another Indian, Jim Yealth tay, in a blind drunk stagger, fell through the window of Silas Gibson, one of the men who had sold the liquor to the Indians. This led Gibson to fire three shots at "Jim." The Indians were all drunk and the white men, too. They got Jack Wade down, and he shot and killed an Indian named Yah guido clin. Wade was down on the ground at the time. A lot of Indians were on the top of him when he fired. The shot entered the heart, killing him almost instantly, whereupon the Indians fled. The wife of the murdered man went and hunted up "Tom" and demanded of him, after the Indian custom of "an eye for an eye" and "a tooth for a tooth," a life for a life,

"Tom, you profess to be a brave man; avenge the death of my husband." Tom sallied forth with his gun and shot the first white man he met, which happened to be Frank Marx, the shot taking effect in his abdomen and lacerated his bowels. Two slugs were found in the abdominal cavity.

Neither "Marx" nor "Tom" had been engaged in the drunken row of the night previous.

As a result of this row the following arrests were made and were disposed of as follows:

(1) John Wade, manslaughter of Ya guido clin; held to grand jury in $1,000 bond.

(2) Tom (Indian), murder of Frank Marx; committed to jail at Sitka, to answer.

(3) "Qualth" (Indian), assault with intent to kill; committed to jail at Sitka, to answer.

(4) Kowtsh ish, assault and battery on "Scotty;" warrant in hands of John Dalton, deputy.

(5) Sitka Jack, assault and battery on Silas Gibson; warrant in hands of same, at Chilcat.

(6) Yealth ta, disturbing public peace; tried and sentenced to $30 fine and costs; committed.

(8) Martin Oleson, selling liquor in Alaska in violation 1955 Revised Statutes and 14 of the organic act.

(9) Lorrie Stearns, same offense.

(10) M. V. Sharp, same offense.

(11) Joe Tigueiro, same offense.

(12) Silas Gibson, same offense.

The latter five were all held to grand jury in the sum of $400.

Silas Gibson ought also to have been charged with assaulting the Indian "Qualth" with a dangerous weapon (a pistol).

I append the testimony of "Qualth," the Indian with whom the row commenced; Hugh Murray, superintendent of Chilcat Canning Company; Samuel Perrin, superintendent of Pyramid Harbor Company; the Rev. William W. Warne, the Presbyterian missionary at Chilcat, and others.

In this service considerable expense has been incurred, and more will be required to hunt up witnesses, etc.; this will have to be met with an extraordinary expense account, which, in my opinion, should be allowed in this case, as no one was aware of the extent of the outbreak and prompt measures were necessary to be taken to quell the disturbance, bring to justice the guilty parties, and prevent further bloodshed.

* * * * * * *

It has been called to my attention by the governor and others that a United States commissioner, United States deputy marshal, and a jail should be established at Chilcat, but I think that if our officials here will only close up the open saloons at Chilcat a deputy marshal and jail might suffice for the administration of justice. The deputy marshal ought to have some remuneration, else no one can be found who will accept the position. Jack Dalton showed great efficiency and bravery in the present emergency, but his compensation will be very small, as he only gets fees.

He is an excellent officer for the position, and would save the Gov-

ernment a good deal if he had a steady position of, say, $2 per day, or equal to the other special deputies in Alaska.

After several interviews with United States District Attorney Charles S. Johnson, at Sitka, he at last came to the conclusion to do something toward having the laws of the United States regarding the liquor traffic in Alaska and "Executive order" of March 12, 1892, enforced at Chilcat; and to bring this about he has ordered Special Deputy Marshal John Dalton, at Chilcat, to give him the names of ones engaged in the sale of intoxicating liquors at Chilcat, whether to whites or Indians; the names to whom sold; the kind of liquor sold; the date of sale; the names of witnesses; also to give as many different dates of as many different sales as possible.

This is with a view of punishing those saloon keepers and whisky men (boot-leg dealers) by exhausting their ability to give bond and finally land them in jail.

There is no use of relying upon finding indictments against them before an Alaska grand jury, provided they have paid the special tax required by the internal-revenue laws, which all of these Chilcat saloon keepers have done. If the plan proposed is only pushed, Mr. Johnson may succeed in closing up all those saloons within the coming month, August.

There is no excuse why he allowed this iniquitous traffic to grow so and to gain such a foothold at Chilcat as it now has. It would have been much easier to have nipped it in the bud. To eradicate it now, heroic measures must be used, and that speedily.

None of those engaged in the liquor traffic at Chilcat have the governor's permit, or have in any way complied with Executive order of March 12, 1892.

I find that the judge of the United States district court here and N. R. Peckinpaugh, clerk of the United States court, are both in favor of any and all legal measures which will tend to suppress or control the liquor traffic in Alaska, and would render any and all assistance they legally could to have the laws governing this traffic and the "Executive order" before mentioned duly enforced.

Very respectfully,

ALLAN H. DOUGALL, *Examiner.*

Deposition of William Moore.

UNITED STATES OF AMERICA,
District of Alaska, ss:

Capt. William Moore, being first duly sworn, on oath deposes and says:

I am a citizen of the United States and a resident of Skagway, Alaska; of the age of 78 years, and that my birthplace is Emden, Hanover, Germany. That I am a master mariner and navigator and explorer.

That for a number of years since 1861 I have been navigating waters on the northwest coast of North America in the possessions of the United States known as Alaska, and in the British possessions on the Stickeen River, past the point known as Boundary on the Stickeen River.

That by reason of explorations, work, and business in which I had become interested in the northwest coast of North America, between the years 1862 and 1880, in the country adjacent to the Stickeen River, I became interested in all that country further north of what is commonly known as the Cassiar mining district.

That in 1886 my son, William Moore, went into the country adjacent to the Yukon River with Bishop Sagers.

That upon his return from this expedition, which was made by way of the route from the head of Lynn Canal, my son informed me that in his opinion the pass now known as White Pass in the mountains north of Skagway Bay was lower than the pass commonly used north of Dyea on Lynn Canal, of which report I took note.

That in 1887 at my request I became a member of the expedition known as the Ogilvie expedition, under the command of William Ogilvie, a British subject.

That in the month of May, 1887, I arrived at the head of Lynn Canal, at Skagway Bay, and found a number of Indians encamped about the head of said canal, among whom was an Indian commonly known as the Indian Schwatka on account of his intimate connection with expeditions before taken by Lieutenant Schwatka, of the U. S. Army, into the Yukon country and the interior of Alaska north of Lynn Canal.

That said Indian Schwatka had just returned from San Francisco, whither he had accompanied Lieutenant Schwatka. My sons, William and J. Bernard Moore, had preceded me into the country tributary to and adjacent to the Yukon River during said year.

That I have made a special study of the value and expediency of the various routes and passes into the interior of the British possessions and American possessions in northwest North America and Alaska.

That I have twice been over the Chilkoot Pass north of Dyea, Alaska.

That I have been over the Stickeen Pass and over the pass adjacent to Taku Inlet in the district of Alaska.

That upon said expedition, known as the Ogilvie expedition, I proceeded north from the shores of Skagway Bay in company with one Indian, who assisted me in packing over what is now known as the White Pass, and took observations concerning the height of said pass and the expediency of a route thereover.

That on said expedition I went as far as Fort Selkirk and on said expedition I took soundings as to the depth of Skagway Bay and its expediency and practicability as a port of discharge for ocean-going vessels.

That at the same time said Ogilvie passed over the Chilkoot Pass in company with his expedition, and I met him at Lake Bennett.

That prior to my departure over the White Pass I visited Dyea, Alaska, and found the trading post and eating house of John J. Healy and Wilson, who were operating as partners under the firm name and style of Healy & Wilson.

That to the best of my information and belief the said Healy & Wilson had maintained and owned and possessed their trading site and post at Dyea since the year 1885.

That upon said expedition, by orders of the Navy Department at Washington, the U. S. gunboat *Pinta* accompanied the expedition from Haines Mission on Lynn Canal to the head of Lynn Canal and

there remained until the Ogilvie expedition had safely passed over the summit of Chilkoot Pass.

That the commander of the *Pinta* at that time to the best of my recollection was Captain Nowles, and that the *Pinta* accompanied said expedition to the head of Lynn Canal under instructions from the Navy Department of the United States for the purpose of assisting said expedition from the shores of the head of Lynn Canal past a point on the crest of the mountains north of the head of Lynn Canal.

That said expedition arrived at Haines Mission, Alaska, from the south on the steamship *Ancon*, owned and operated by the Pacific Coast Steamship Company, a corporation organized, as I am informed and believe, under the laws of one of the United States, and that as hereinbefore set out, by special arrangement we were met at that point by the U. S. gunboat *Pinta*.

That upon said expedition all arrangements in reference to the entry and passage of goods and provisions of such expedition were formally attended to by the head of said expedition at Juneau, Alaska, where was then stationed a customs official of the United States, and that all clearances in reference to the transportation of such supplies and provisions through the territory of the United States were arranged at said place with said official.

That upon my return from said expedition I stopped upon the shores of Skagway Bay and did some work in clearing and preparing for a wharf site at or near the point now occupied by what is known as Moore's wharf in Skagway, Alaska.

That in the year 1888 I proceeded with my son, J. Bernard Moore, again to Skagway Bay, on Lynn Canal, in the district of Alaska, and that prior to our departure for Skagway Bay my son, J. Bernard Moore, then a British subject, expatriated himself and declared his intention to become a citizen of the United States in order that he might locate, hold, and acquire such land as would be useful in the development of the wharf and commercial site on the shores of Skagway Bay; and that in the succeeding year I, then being a British subject, expatriated myself and became a citizen of the United States, I being then at Juneau, Alaska, in order that I might acquire and possess and hold said property and secure the benefit of such property rights on the shores of Skagway Bay as I should see fit to acquire at said place, believing that the same was the natural port of destination for ocean-going vessels and the natural inception of any route into the interior of the British possessions on the Yukon River and the American possessions in Alaska on the Yukon River.

That in 1888 my son, J. Bernard Moore, located a certain claim of 160 acres upon the shores of Skagway Bay for the purpose of improving and holding the same, and that all location notices, papers evidencing title and interest in and to all of said lands on the shores of Skagway Bay, by either of us, were thereafter made in accordance with the laws of the United States and the local customs of the citizens of the United States within its jurisdiction.

That thereafter and until the date of this affidavit I have almost continuously resided and held my home at the point now known as Skagway, Alaska, on the shores of Skagway Bay, and engaged in the improvement of lands belonging to myself and my son, J. Bernard Moore.

That in the year 1895 I carried mail for the Canadian government

from Juneau, Alaska, into the British possessions adjacent and tributary to the Yukon River, and engaged also in carrying mail for the Post-Office Department of the United States.

That I remember, during the year 1888, while on the shores of Skagway Bay, seeing the schooner belonging to Healy & Wilson, at Dyea, pass southward down Lynn Canal, and remember, several days afterwards, seeing a steamboat belonging to the Alaska Treadwell Gold Mining Company come up the canal, and that I, with my son, J. Bernard Moore, proceeded from Skagway Bay to Dyea, Alaska, to learn the cause of the arrival of said steamer, and that when I reached Dyea, Alaska, I ascertained that the said steamer carried a deputy United States marshal and 20 special deputies deputized to make arrests and quench an Indian outbreak which had been caused by a fight between the second chief of the Chilkat Indians, known as "Chinoot," and a Sitka Indian, which had arisen out of difficulties between the two tribes of Indians who were engaged in packing over the Chilkoot Pass: that the Sitka Indian engaged in said fight had been wounded by the second chief of the Chilkats and in the fight had beaten the brains out of the chief of the Chilkats with the butt of a revolver. I learned that 14 men had been penned up inside of one of the houses belonging to Healy & Wilson and had been compelled to cut loopholes in said house for their protection, and that the Sitka Indian engaged in said fight had sought entrance into the house of Healy & Wilson, but had been refused, and that the lives of Healy and Wilson and Mr. Wilson's family had been endangered, and also the lives of the men inside of the Healy & Wilson house.

That a number of arrests among the Indians were made by the United States deputy marshals, and that they were taken in custody and transported from Dyea to Juneau, Alaska.

That I remember numerous occasions on which the boats of the United States, both of the Revenue Department and the Navy Department and of that service known as the Geodetic Survey, appeared upon the waters of Lynn Canal and engaged in the performance of their various official functions.

That I remember distinctly an occasion of considerable notoriety at the head of Lynn Canal prior to the Yukon rush of 1897, known as the "Klondike rush," in which certain liquors had been landed at Dyea and transported up near to the summit of Chilkoot Pass, and I remember that certain customs officials of the United States arrived at Dyea and followed the liquors to a point near the summit of Chilkoot Pass and there seized said liquors and broke the same open and spilled the contents near the summit of White Pass.

That during all of my residence at Skagway, Alaska, all property rights, both real and personal, have been acquired and treated as subject to the laws of the United States, and that all property acquired by me and all interests in property which I have held on the shores of Skagway Bay, or north of Skagway Bay as far as the passes in the mountains, have on occasion of various disputes and litigations in which I have been interested been determined before the United States district court for the district of Alaska, which court has exercised during all of the times herein mentioned at which disputes arose an unrestricted and unquestioned jurisdiction over all actions concerning property rights on the shores of Lynn Canal or north as far as the passes of the mountains.

That the criminal and civil process of said court and of the United States commissioner's court of the District of Alaska has run to, been exercised and effected without question since I first came to the country adjacent to Lynn Canal.

That the customs officials of the United States have at all times, where any dispute invoking jurisdiction arose, exercised their jurisdiction upon the shores of Lynn Canal and north of the head of Lynn Canal as far as the passes in the mountains, and on occasion to ports further north than the passes in the mountains.

That to my knowledge the officials of the U. S. Army and portions of the Army of the United States have occupied the shores of Lynn Canal, and especially the shores of Skagway Bay and Dyea Bay, and exercised their authority over said country unquestioned as far as the passes north of Skagway and Dyea.

That on no occasion within my memory have I ever known personally or heard of any incident in which a British officer, or an officer subject to the British Crown directly or indirectly, or a British subject ever attempted to exercise any official authority upon the shores of Lynn Canal or at any point south of the passes in the mountains north of Dyea and Skagway Bay.

WM. MOORE.

Subscribed and sworn to before me this 23d day of March, A. D. 1903.

[SEAL.]

J. J. CLARKE,
Deputy Clerk United States District Court
for Division No. 1, Alaska.

Deposition of J. Bernard Moore.

UNITED STATES OF AMERICA,
District of Alaska, ss:

J. Bernard Moore, being first duly sworn, on oath deposes and says:

I am a citizen of the United States, 38 years of age, and a resident of Skagway, Alaska, at the head of Lynn Canal, in the district of Alaska; that I have resided at Skagway, Alaska, continuously for more than seven years last past, and that I have resided from time to time at Skagway, Alaska, and been interested in property at the head of Lynn Canal within what is now known as the town of Skagway, Alaska, since the year 1888.

That I first came to the head of Lynn Canal in the year 1887, about the 20th of March, 1887, landing at what is now known, and was then known, as Dyea, Alaska, at the head of Lynn Canal.

That at the time of my arrival at Dyea, Alaska, John J. Healy and Edgar Wilson, operating under the firm name and style of Healy & Wilson, had a small trading post at the head of Lynn Canal and were there living and operating the same.

That residing at said place and working for said Healy & Wilson were George Carmack and Mrs. Healy, the wife of John J. Healy.

Said John J. Healy and Edgar Wilson were citizens of the United States at said time and have been ever since.

That I proceeded from Dyea, Alaska, over Chilkoot Pass into the

interior of Alaska to the waters of the Yukon River, and proceeded from there to St. Michaels, Alaska, by the Yukon River, and returned the same year over the same route to Dyea, Alaska, reaching Dyea, Alaska, on or about the 7th of September, 1887.

That I immediately proceeded from Dyea, Alaska, to Juneau, Alaska, by water, passing near what is now the port of Skagway, Alaska, and taking notice of the low gap in the mountains back of what is now known as Skagway Bay, and returned from Juneau to Skagway Bay within the course of two or three weeks, and landed on the shores of Skagway Bay with my father, William Moore.

That we immediately made camp and proceeded to cut piling, looking toward the construction of a small wharf at or near the place where Moore's wharf is now located, upon Skagway Bay, and also made complete soundings of Skagway Bay.

That we further cleared a small plot of ground near the shores of Skagway Bay.

That we remained upon the shore of Skagway Bay for a period of about two months, and proceeded from Skagway Bay to Juneau, Alaska, in company with John J. Healy, on his schooner *Charlie*.

That thereafter, during the spring of 1888, I declared my intention to become a citizen of the United States in order to exercise a right of location upon lands selected by me at Skagway Bay.

That my papers of citizenship will be found among the records and files of the Land Department of the Interior in a matter entitled "In the matter of the application of J. Bernard Moore for lands embraced in United States survey No. 13, situated at Skagway Bay, in the District of Alaska."

That thereafter and during the spring of 1888 I proceeded to Skagway Bay in company with my father, William Moore, and on or about the 13th day of June, 1888, I located the lands at the head of Skagway Bay, consisting of 160 acres, a portion of which are now embraced in United States survey No. 13, as shown by the records and files of the Department of the Interior.

That annexed hereto and marked "Exhibit A" is a full, true, and correct copy of the notice of location made and signed by me at said time, the original of which copy I have before me, pasted in my private scrapbook, at the time that I make this deposition.

That thereafter we proceeded to improve the property embraced within said notice during the year 1888 in the following manner, to wit, by proceeding to construct a wharf at or near the place now occupied by Moore's wharf on Skagway Bay.

That said wharf was constructed about 30 feet wide, extending about 70 feet from the shores of Skagway Bay out to the edge of extreme low water.

That my father and myself were assisted in the construction of said wharf by two Indians named Nausuk and Tom.

That in addition to the building of said wharf we constructed a log cabin which is now standing in the city of Skagway, Alaska.

That on or about the 6th day of June, 1888, I observed Healy & Wilson's schooner *Charlie* sailing out of Dyea late in the evening about southward down Lynn Canal.

That on or about the 7th of June I noticed a number of Indian canoes making southward from Dyea down Lynn Canal at considerable speed.

That on the 9th day of June we observed the steamer *Lucy*, from

Juneau, making into Dyea, and my father and I proceeded from the port of Skagway to Healy & Wilson's trading post at Dyea.

That when we arrived near the steamer *Lucy* we observed a number of men aboard her armed with guns.

That we were informed that there was a deputy United States marshal with 22 special deputies who had come to Dyea to suppress trouble among the Indians at that time, originated in the killing of one Sitka Indian and one Chilkoot Indian, and that the lives and property of Mr. and Mrs. Healy, Mr. and Mrs. White, missionaries or teachers at Dyea, and Mr. Wilson had been endangered, together with George Carmack hereinbefore mentioned.

That the said United States marshal and his special deputies took into their custody a number of Indians at Dyea and carried them to Juneau, Alaska, among whom is one Indian known to me whose name is Kosko, who was shot near the knee in one of his legs and who is now residing in Skagway, Alaska.

That, further, to my personal knowledge I know that the authorities of the United States district court have made numerous arrests among the Indians at Chilkat, on Chilkat Inlet; at Haines, on Lynn Canal, and at Dyea, on Lynn Canal, during the year 1888 and for several years subsequent thereto, although I am not able at this time to give specifically the particular incidence in relation to such arrests in relation to the exercise of jurisdiction by the United States district court.

That on or about the 1st day of August, 1888, we left Skagway Bay for Juneau, Alaska, stopping first at Healy & Wilson's trading post at Dyea, Alaska.

That thereafter, on or about the 17th day of August, 1888, I hired to F. H. Poindexter at Juneau, Alaska, to work at his cannery at Pyramid Harbor, Chilkat Inlet; that said Poindexter was a citizen of the United States and left on said day for Pyramid Harbor on the steamer *Lilian*, belonging to said cannery.

That in company with me were Stephen York, of Juneau, and his brother William York; that the United States marshal was also aboard said boat; that to the best of my recollection said marshal was Max Endelman, for a long time a resident of southeastern Alaska and a citizen of the United States.

That said Endelman was charged with the duty of making arrests and suppressing disturbance among the Indians at Klukwan, on the Chilkat River about 30 miles inland from Pyramid Harbor.

That he deputized the said Stephen York and William York and, to the best of my recollection, other persons to assist him in the execution of said duty, and that they proceeded in a canoe up the Chilkat River to Klukwan, Alaska, in the execution of said duty. After a number of days said Endelman and his deputies returned to Pyramid Harbor from Klukwan, and, to the best of my recollection, they had several Indians in custody, among whom I believe was one Indian known as Tom, who has since to my knowledge become a member of the Salvation Army.

That during said year of 1887 and 1888 vessels of the United States—gunboats, revenue cutters, and survey boats whose names I can not specifically recall—were in the waters of Lynn Canal and anchored at the head of Lynn Canal.

That the boats that frequented said waters were, to the best of my

recollection, known as the *Thetis*, *Wheeling*, and *Patterson*, together with others whose names I do not remember.

That in addition thereto the boats of the United States Government uniformly rendered assistance to settlers upon said waters and, where the same was necessary for the protection of settlers, enforced as well as they could order among the natives.

That during the year 1889, by force of necessity, I was employed at the cannery at Pyramid Harbor before mentioned and did not frequent the waters of Skagway Bay.

That prior to the time I went to Pyramid Harbor the first time two canneries had been built on Chilkat Inlet, one at Pyramid Harbor and one across the inlet from Pyramid Harbor; that said canneries had been built, as I was informed, by Carl Spuhn, of Killisnoo, Alaska, one of which canneries had been built at least four years previous to my arrival at Pyramid Harbor; that I am informed that said Carl Spuhn was a citizen of the United States, and that said Carl Spuhn in all of his undertakings held himself subject to the jurisdiction of the United States.

That in reference to all locations and acquirements of property rights on Chilkat Inlet and on Lynn Canal, so far as the same were taken by course of law, the same were taken under the laws of the United States applicable to the District of Alaska, and all recording was done subject to the laws of the United States and the customs of the District of Alaska.

That all property rights in dispute upon either of said bodies of water were settled by the laws of the United States and through the jurisdiction of the United States courts.

That F. H. Poindexter, mentioned hereinbefore as the owner and manager of said cannery at which I was employed on Chilkat Inlet, was appointed and became a United States commissioner, exercising the powers of a justice of the peace, and that to the best of my recollection said appointment occurred either in the year 1889 or the year 1890.

That during my residence from time to time on Chilkat Inlet the said Poindexter took cognizance of cases and exercised the jurisdiction as United States commissioner, and that John J. Healy, hereinbefore mentioned, was a deputy marshal of the United States, exercising the authority of the United States in and about Chilkat Inlet, and to my knowledge made several arrests on Chilkat Inlet.

That I particularly remember the arrest of a man, whose name I have forgotten, who stole a side of beef from one of the large steamers lying at said cannery loading salmon.

That about the year 1889, possibly in the year 1890, Hugh Murray, a citizen of the United States, constructed a large cannery on the easterly side of Chilkat Inlet, about a mile to the north of the cannery at which I was then working.

That I continued to work during the cannery season 1889 and remained all winter in charge of the cannery at Chilkat Inlet, and worked during the season of 1890 at Chilkat Inlet in the canning business; and that during all of said time the laws and authority and jurisdiction of the United States over the waters of Chilkat Inlet and the shores abutting thereon and over the country interior of Chilkat Inlet for a number of miles was constantly recognized.

That thereafter for about two years I worked in the employ of F. D.

Nowell, a citizen of the United States, at Berner's Bay, in the sawmill, about 40 miles south of Skagway Bay.

That I remained in the district of Alaska and about Juneau, Alaska, all the time between the years 1890 and 1895, employed in various ways, and from time to time visited Dyea, Alaska, and Skagway Bay; and from time to time as occasion afforded it I worked upon the property possessed and claimed by me as aforesaid, near Skagway Bay, clearing and improving the same.

That in 1895 I came to Skagway Bay the 2d day of February and remained at Skagway for some time upon my claim, engaged in improving the same, and that during the year 1896 I made a trip into the interior of Alaska as far as Fort Cudahy and Fortymile Creek, and returned the same fall, and that from the fall of 1896 to the present time I have lived continuously at what is now known as Skagway, Alaska, upon the shores of Skagway Bay.

That during the summer of 1896, at my request, Charles W. Garside, deputy United States surveyor, surveyed my claim of land upon the shores of Skagway Bay and filed the same with the United States surveyor-general at Sitka, Alaska; that said survey is officially known and designated as survey No. 13, J. Bernard Moor, applicant. Said survey was made pursuant to the laws of the United States, as more fully appear from the records and files in the Land Department of the United States, entitled "In the matter of the application of J. Bernard Moor for land embraced in United States survey No. 13;" that the said Land Department of the United States took jurisdiction over said application, and in due time affiant made application and published notice of such application in due form of law; that after contest and full hearing, as more fully appear from the records and files in said matter, affiant received title from the United States for 60 acres of the land embraced in said survey.

During the month of June, 1896, as will more fully appear from the records and files "in the matter of said application," affiant entered into an agreement with Ernest Edward Billinghurst, a citizen of British Columbia, looking to an option of an interest in said land to persons represented by the said Ernest Edward Billinghurst.

That all of said agreements were made with reference to the jurisdiction of the United States over said lands and in contemplation of the same and in accordance with the laws of the United States, and that the record of all agreements concerning the interest in said lands at Skagway, Alaska, were recorded with the usual and proper recording officer, to wit, with the United States commissioner at Juneau, Alaska.

That thereafter in numerous suits at law and in equity in the United States district court for the district of Alaska then pending the interests of various parties and claimants in and to said land were litigated in the jurisdiction and forum of said court, and that the jurisdiction and authority and protection of the laws of the United States were by the officials of the United States extended over the lands at the headwaters of Lynn Canal and continuously and constantly exercised both criminally and civilly over all matters and things of criminal and civil cognizance upon the waters and upon the shores of Lynn Canal.

Referring again to the exercise of the jurisdiction of the United States over the country surrounding and tributary to Chilkat Inlet,

your affiant says that an Indian, Tom, heretofore referred to, was, subsequent to the time hereinbefore mentioned, arrested for shooting a white man near one of the canneries on Chilkat Inlet, and that said Tom was tried before the United States district court for the district of Alaska, and thereafter served a sentence at San Quentin, in the State of California.

And your affiant also remembers and says that one Indian medicine man of the Chilkat tribe, known as Skundu, about the year 1895 was arrested at or near Chilkat, Alaska, to the best of affiant's recollection, for punishment and treatment of other Indians for witchcraft by tying and starving, and was tried before the United States district court, and received sentence and served the same.

And your affiant further says that during his residence upon Chilkat Inlet and upon Lynn Canal the jurisdiction of no other sovereign than the United States was ever exercised or recognized between the years 1887 and the date of this affidavit.

J. BERNARD MOORE.

Subscribed and sworn to before me this 23d day of March, A. D. 1903.

[SEAL.] J. J. CLARKE, *Deputy.*

NOTICE. Post No. 2.

Know all men by these presents that I, Bernard Moore, of the District of Alaska, a citizen of the United States, over the age of twenty-one years, have this 13th day of June, 1888, located and claimed that certain piece or parcel of land, the same being one hundred and sixty (160) acres of said land situated, lying, and being at Skagway Bay, near the mouth of Mill Creek, Lynn Canal, District of Alaska, and more particularly described as follows, to wit:

Beginning at this post 12⅔ chains north of the mouth of said Mill Creek at about high-water mark, and thence in a west-northwest direction 40 chains; thence in a northerly direction 40 chains; thence in an east-southeast direction 40 chains; thence in a southerly direction 40 chains to place beginning.

The said described land being part of the unsurveyed public domain of the United States, and it is the intention of the undersigned to apply to the Government of the United States to purchase said land as soon as the land laws of the United States are extended over the District of Alaska.

The said lands are hereby located and claimed for agricultural purposes, and are held and possessed by the undersigned by reason of actual occupation and appropriation.

J. BERNARD MOORE.

Deposition of Robert Wright.

UNITED STATES OF AMERICA.
District of Alaska, ss:

Robert Wright, being first duly sworn, on oath deposes and says: I am a citizen of the United States, a resident of Dyea, Alaska; that I have resided in Dyea, Alaska, for more than ten years last past.

That I have lived and been in and about the possessions of the United States known as the district of Alaska since July, 1879.

That I am acquainted with the country north of Dyea Bay and Skagway Bay, and the country bordering upon Lynn Canal and the country bordering upon and adjacent to Chilkat Inlet.

That I have been in and about Pyramid Harbor at various times between 1890 and 1895.

That about the year 1892 I remember a case in which one Jack Wade was accused of killing an Indian whose name is to me now unknown, at or near Chilkoot, north of Haines Mission, in the district of Alaska.

That numerous persons besides the said Jack Wade were implicated in the said killing, both whites and Indians, and that numerous arrests were made in connection therewith.

That the said Jack Wade, to the best of my recollection, was arrested on the shores of Lynn Canal near Haines Mission.

That a number of Indians were arrested in connection with said affair by United States deputy marshals at Chilkoot, north of Haines Mission on Lynn Canal, and near the mouth of the Chilkoot River.

That a number of the Indians were also arrested at or near Kluckwan, on the Chilkat River, a river which flows into Chilkat Inlet in the district of Alaska, and that a number of other persons were arrested in connection with said affair at a point known as Chilkat, at the mouth of the Chilkat River, and on the shores of Chilkat Inlet; and that all of said parties after having been apprehended were conducted to Sitka, Alaska, for trial.

That I remember for a number of years prior to 1897 that one F. H. Poindexter resided at Pyramid Harbor on Chilkat Inlet in the district of Alaska, and at that time a United States commissioner or judge, and that he exercised the functions of his office and caused arrests to be made from time to time upon the shores of Chilkat Inlet and north of Chilkat Inlet up the Chilkat River as far as Kluckwan, a specific instance of which I can not at this time recall. I remember the said Poindexter was an American citizen and that there were prior to 1897 and for some time prior thereto two canneries on Chilkat Inlet, one of which was owned and operated by one Hugh Murray, who, I am informed and believe, was a citizen of the United States.

That during all of said time all property rights and disputes were treated as subject to the laws of the United States, and also all criminal matters on the shores of Chilkat Inlet and far to the north of Chilkat Inlet, as far at least as Kluckwan, and that the process of the courts of the United States was frequently used and served in the country just described.

That about the year 1893 I came to Dyea, in the district of Alaska, and settled at said place, possessing, owning, and claiming a considerable tract of land at or near what was afterwards known as the town of Dyea.

That at the time I came to Dyea there was a trading post at said place known as the trading post of John J. Healy and Edgar Wilson, copartners operating under the firm name and style of Healy & Wilson.

That the said Healy and Wilson were both American citizens, and that several other people settled in and about Dyea, and that the said Healy & Wilson claimed a large tract of land near Dyea; that the same was surveyed and application made for a patent thereto in the United States land office at Sitka, Alaska, of which application the said land office took jurisdiction, and that at the time of the death of the said Wilson the acquirement of a portion of the said tract of land was in the process of consummation before the United States Land Office.

That while I was at Dyea there were from year to year a number of

persons passing back and forth from what is known as the interior over Chilkoot Pass, engaged in mining at Forty-mile Creek and other places.

That from time to time, as occasion presented, attempts were made to carry liquor from boats on Lynn Canal into the country north of Dyea, which carriage was at that time prohibited by the laws of the United States.

That I remember one William Watt, a deputy United States marshal, was frequently in and about Dyea looking for liquor so imported and attempting to suppress the landing of liquor upon the country adjacent to Dyea, exercising his authority as deputy United States marshal.

That I remember an incident along about the year 1895 in which Myre Hoffstad, a customs officer of the United States, proceeded up the Dyea trail from Dyea as far as a point known as Stone House, about 16 miles up the Dyea trail from tidewater. That at said place he discovered and found a considerable quantity of liquors which had been landed at Dyea and were cached at or near the point known as Stone House. That, pursuant to his authority as a customs officer of the United States, he opened the vessels in which said liquor was contained and let the liquor out upon the ground.

That I remember about the year 1897 that certain customs officials of the United States seized a boat belonging to Frank Kane, of Douglas Island, Alaska, bound for Dyea or Skagway Bay with liquors aboard, and brought said boat into Skagway Bay and held the same there for some time, and thereafter took said boat in their official custody to Juneau, Alaska.

I remember another incident at which one William Leak, of Juneau, Alaska, was engaged in transporting liquor over the Chilkoot Pass about the year 1895, in which they were pursued by William Watt, deputy United States marshal, but that they succeeded in getting said liquor past the summit of said pass before the said Watt was able to reach the summit, and that thereafter the said Watt abandoned pursuit of the liquor.

I remember another incident in which the said William Watt, deputy United States marshal, found a consignment of liquors at Sheep Camp, about 15 miles north of Dyea, along the trail over Chilkoot Pass, and seized said liquor and opened the vessels in which it was contained and let the same out on the ground under his official authority.

That about the year 1897, in the summer of said year, one John U. Smith arrived at Dyea, in the District of Alaska, and assumed the duties of the office of United States commissioner at said place, and that from that time on until the present date there has been a commissioner at either Skagway, Alaska, or Dyea, Alaska, continuously, together with deputy marshals of the United States stationed at one or the other of both of said places, exercising their official authority; and that said United States commissioner's court has at all times since said time exercised jurisdiction over persons and property and causes, both civil and criminal, arising on the shores of Lynn Canal or at points north of Dyea or Skagway Bay as far as the summit of the mountains north of said places.

That the United States district court for the District of Alaska has always exercised jurisdiction, both civil and criminal, over all points on the shores of Lynn Canal and to points as far north as the summit of the mountains north of Skagway Bay and Dyea.

That said jurisdiction during all times, both since 1897 and prior thereto, has been universally recognized and exercised both by judicial officers and by the United States marshals acting under the authority of the laws of the United States.

That to my personal knowledge all property rights in their acquirement, possession, and enjoyment, and all disputes have been subject to the laws of the United States as far north as the summit of the mountains and at all places adjacent or tributary to Lynn Canal.

That all record of title, location notices, and other evidences of the transfer or acquirement of title to property have been subject to the laws of the United States; and that I have been engaged from time to time in litigation in courts of the United States respecting my right to the possession of property at or near Dyea, north of the bay at Dyea, and that the United States district court and United States commissioner's court have taken jurisdiction of said matters and from time to time rendered judgment in litigation concerning the same therein pending, and that the process and judgment of said courts has been universally accepted as the proper determination of such disputes, unless appealed from to other courts of the United States.

That at no time during my residence in Alaska, which has been continuous since 1879, have I ever seen or heard of a case in which officials of the Canadian government, or any person representing British sovereignty, has attempted to exercise any official duties at any point nearer tide water, on Lynn Canal, or Chilkat Inlet or Taku Inlet, where I have frequently been, than a point inland beyond the summit of the mountains.

That prior to 1897 I had never seen or heard of an official of the Canadian government attempting to exercise any official authority north of Lynn Canal or north of Chilkat Inlet, or in and about either of said bodies of water.

ROBERT WRIGHT.

Subscribed and sworn to before me this 24th day of March, A. D. 1903.

[SEAL.] J. J. CLARKE, *Deputy.*

Deposition of Joseph Carr.

UNITED STATES OF AMERICA,
District of Alaska, ss:

Joseph Carr, being first duly sworn, on oath deposes and says: I am a citizen of the United States, born in New York City, N. Y., of the age of 61 years. That I have resided continuously in the District of Alaska for the past twenty years, to wit, since 1883. That I have resided in Chilkat, in the District of Alaska, on Chilkat Inlet for more than twelve years last past, and that I first came to Chilkat Inlet in the year 1891.

That at that time I found two canneries upon Chilkat Inlet, one owned and operated by F. H. Poindexter, and another cannery at Pyramid Harbor owned and operated by Beck & Son.

That the said F. H. Poindexter was a citizen of the United States, and the members of which the firm of Beck & Son were composed were citizens of the United States.

That upon all property on the shores of the Chilkat Inlet and upon the shores of Lynn Canal from said time until the present date the laws and jurisdiction of the United States have always been applicable.

Thatall location notices, evidences of transfer, were made under and pursuant to the laws of the United States and the customs of the American citizens of the District of Alaska.

That I was acquainted with and knew one F. H. Poindexter, who shortly after my arrival at Chilkat Inlet was appointed a United States commissioner, and thereafter the said United States commissioner from time to time, when occasion arose, heard and determined all trials upon disputes arising in the vicinity of Chilkat Inlet as far as a point beyond the point known as Klukwan.

That among numerous cases which came before said United States commissioner's court I have specific recollection of the following cases, to wit:

A case in which one Al Martin was defendant and the United States was plaintiff, and the said Martin was tried upon a charge of beating an Indian woman with whom he was then living in Chilkat. That the said Martin was convicted by the said commissioner's court.

That I remember also a case occurring about the year 1892, when a large consignment of liquors, belonging to one William Leak, was seized by the United States deputy marshal at Chilkat, one J. J. Healey, and by him turned over to the United States commissioner, F. H. Poindexter; and I remember that said liquor was thereafter stolen from the custody of the said United States commissioner.

I also remember a case about said time, while said Poindexter was United States commissioner, in which a man whose name I can not recall was arrested at Chilkat for stealing a side of beef which had been let down to him from the stern of one of the ocean-going vessels then lying at or near Poindexter's cannery at Chilkat.

I remember also a case occurring on or about the 4th or 5th of July, 1893, in which one Jack Wade was charged with killing an Indian man, and in which various other Indians and whites were implicated, and that numerous arrests were made in connection with said affair at or near Chilkat, up the Chilkat River as far as a point commonly known as Oolachan Patch, about 3 miles up the Chilkat River.

I remember a case also, about 1893, in which an Indian woman commonly known as "Blanket Susie" was arrested at or near Chilkat, on the shores of Chilkat Inlet, upon the charge of stealing blankets from one Hugh Murray, superintendent of the Chilkat Canning Company's plant; that from time to time there were numerous other cases of jurisdiction of the United States court, both commissioner's and the district court, and of the service of process of the said courts upon the shores of Chilkat Inlet and as far inland as the Indian village of Klukwan, although I am unable to call other specific cases to memory.

That during all of the time that I resided at Chilkat, to wit, from 1891 to the present date, the shores of said inlet and of Lynn Canal were frequently visited by United States officials, both of the revenue and Navy Department, who lent aid and assistance to the natives and enforced order in such cases as they were able to reach.

That during none of my residence in Alaska have I ever known or heard of an official of the Canadian government or any of its provinces or British subject ever claiming or attempting to exercise any official authority on the shores of Lynn Canal or Chilkat Inlet or any point

nearer to tide water on Chilkat Inlet than a point north of Klukwan, nor upon any point nearer to tide water upon Lynn Canal than the summits of the passes of the mountains north of Dyea and Skagway, Alaska.

JOSEPH CARR.

Subscribed and sworn to before me this 25th day of March, A. D. 1903.

J. J. CLARKE,
Deputy Clerk United States District Court
for Division No. 1, Alaska.

Deposition of Don-a-wak.

UNITED STATES OF AMERICA,
District of Alaska, ss:

Don-a-wak, being first duly sworn, on oath deposes and says:

That I am a native Alaska Indian, living at Haines, Alaska.

That I am chief of the Chilkats, and have been such chief for many years past, and was such chief at the time that Russia left Alaska and the United States took charge of Alaska.

That at said time, after the troops came to Sitka, a man-of-war came to a point in front of the place now known as Haines, then known as Portage Cove, and I was invited aboard the vessel by the commanding officer and informed of the transfer, and had considerable conversation with him.

That from that time until the present day my tribe has recognized the authority and jurisdiction of the United States and its officers over all the country adjacent to Lynn Canal and Chilkoot Inlet and bordering thereon and adjacent to Chilkat Inlet, and at least as far as the summits of the mountains from the heads of the various inlets.

That a portion of my tribe lives at Industuckki, at the mouth of the Chilkat River near Chilkat Inlet.

That another large village of my tribe is situated along the shores of the Chilkoot River, between the lake at its head and tide water on Chilkoot Inlet, and that a large number of the Indians of my tribe have resided there for many years and have many fishing places upon the stream.

That my tribe of people is a tribe that did the packing over the pass known as Chilkoot Pass, and many of them worked and resided there for years prior to the time when many white people commenced to go to the Klondike.

And that from the time of the Russian cession until the present day I have held and my people have held allegiance to the United States only, and have recognized their laws and the jurisdiction of their officers and courts.

That about 1892, or about eleven years ago, I was appointed an Indian policeman and exercised the duties of a peace officer among my people at all of the places above named, when occasion required, as a representative of the Government of the United States, and have caused arrests to be made and enforced peace and order among my tribe by the authority of the United States.

I remember many years ago when a boat came into the harbor at

Haines, known as Portage Cove, a United States war boat, and that the captain of the boat was named Captain Glass.

I remember a boy on said boat, whom I remember to be Edward Armstrong, since Indian policeman and interpreter for the court.

That I was invited upon said boat by the captain and was shown how the cannons would shoot, and that the cannons were shot several times across the peninsula between Lynn Canal and Chilkat Inlet.

I was at Dyea at the time Klanot, a subchief of the Chilkats, was taken from Haines to Sitka by officials of the United States Government for slapping Bishop Sagers in the face at Dyea some time previous, and was informed of the fact and have full knowledge of it.

I was at Dyea at the time Klanot, subchief of the Chilkoot Indians, was killed by an Indian in a fight that he had with an Indian called Sitka Jim.

I was at Haines at the time On-tee-Ateley killed one Indian Johnson and was pursued by Johnson's relatives, and the said On-tee-Ateley was arrested, together with the Indians pursuing him, and was taken to Juneau; and I remember the incident of their arrest, and I remember seeing the officers, together with Ed Armstrong, at the time said arrests were made.

I was at Dyea at the time that Skundoo was arrested for punishing certain persons for witchcraft at Kluckwan by starvation, and remember when the boat on which the deputy marshals and officers of the court slipped into Dyea by putting out the lights at night and caught Skundoo; and I remember that he was taken to Juneau and there tried.

I have been subpœnaed at the United States district court at Juneau as a witness in several cases and there attended court pursuant to subpœna.

I remember at the time of the affair when Jack Wade killed an Indian and trouble arose from the killing, and a man-of-war came to Haines and anchored and landed a number of marines, and deputy marshal landed with Ed. Armstrong; and I also remember that several Indians were arrested near Industuckki, at the mouth of the Chilkat River, at that time by Jack Dalton, a deputy United States marshal, and by Jack Lindsay.

I remember at the time that the sun went out in the daytime many years ago that a vessel of the U. S. Navy was anchored in Pyramid Harbor and that a number of officials, among others an officer with one arm, went up the Chilkat River.

I remember being informed of the incident in which, prior to the Klondike rush, certain liquors were broken open on the trail near the summit of Chilkoot Pass and spilled upon the snow. That I was informed that these liquors were broken by customs officers of the United States.

his
DON-A-WAK X
mark.

In presence of—
J. J. CLARKE.

Subscribed and sworn to before me this 27th day of March, A. D. 1903.

[SEAL.] J. J. CLARKE,
Deputy Clerk United States District Court
for Division No. 1, Alaska.

U. S. FLAGSHIP SARANAC,
Head of Lynn Channel, Alaska, July 30, 1873.

To whom it may concern:

At 4 p. m. of the above date came to anchor, and at 4.30 of the same afternoon were visited by several Indians who came alongside and were invited on board by the captain commanding, Thomas S. Phelps, U. S. Navy.

After entertaining them with music performed by the band, and making them presents of various articles, they took their departure, evidently much pleased with the attentions received and the friendship manifested toward them.

August 1, departed for Sitka, Alaska, having remained here two days.

A. M. PENNOCK, U. S. Navy,
Rear-Admiral, Commanding North Pacific Station.
THOS. S. PHELPS,
Captain, and Chief of Staff.
Lieut. Commander W. B. HOFF,
Lieut. Commander E. L. ARMORY,
Admiral's Secretary J. S. STODDER,
Staff of Admiral.
A. E. BARBOUR,
Captain's Clerk, U. S. Navy.

U. S. S. PINTA, *May 20, 1885.*

Shown to me this date by Donnawack.

H. E. NICHOLS, *Commanding Pinta.*

U. S. S. WACHUSETT,
Chilcat, Alaska, August 24, 1881.

The bearer, Donowock, is a principal chief of one of the Chilcat villages, and is hereby recognized as such; he is said to be a good man. I hope all white men will treat him well and that he will be the same to them.

EDWARD P. LULL,
Commander, Commanding.

This is shown to me by Don-a-way to-day during a talk in settlement of a little trouble with some miners. I hope he will be worthy of the above reputation.

H. E. NICHOLS,
Commanding, Commander and Senior Officer Present.

U. S. S. PINTA, *May 20, 1885.*

U. S. S. ADAMS,
Chilcat Country, Pyramid Harbor, May 29, 1883.

The bearer, Donnewak, chief of the lower village of the Chilcat tribe, some time ago charged a royalty of $15 for allowing white men to pass through his country. After talking to him he promises never to do so again. He appears to be anxious now to be recognized as an especial friend of the whites. I would advise white men to listen to him, as he has much influence among his people. I have given him a "talking to," and he expresses a great desire to be looked upon as the protector of the whites living in or passing through his country.

[BLANK SEAL.]

E. C. MERRIMAN,
Commander, Commanding Adams.

U. S. S. PINTA,
Portage Bay, May 18, 1885.

To Chief Donnawaak and Chief Clanaat and the Chilcoot Indians:

I have come here because the white men have told me that you had ordered them to go away and had threatened to kill them if they did not go.

Better counsels have since prevailed, and I am glad to find that the white men have gone on about their business.

This country is free to all white men to go through in the pursuit of their business. It is for your interest to have them here, because they bring you wealth by your contracts to work for them.

If any of the white men desire to do their own packing they must not be interfered with.

The chiefs of the tribe and the headmen of families are by me held responsible for the good conduct of their people, and the white chief who governs the whole country is very angry with you for this ill treatment of peaceable people passing through your country.

Should there hereafter be any complaints or shall there be any disturbances or outrages that call for my interference I shall punish the offenders to the full extent of the law.

[SEAL.]

HENRY E. NICHOLS,
Lieutenant-Commander, U. S. Navy,
Commanding Pinta, and Senior Naval Officer in Alaska.

UNITED STATES OF AMERICA.

THE DISTRICT OF ALASKA.

[Shield.]

To all to whom these presents shall come, greeting:

Know ye, that, reposing special trust and confidence in the loyalty, integrity, and ability of Don-a-wak, I, Lyman E. Knapp, governor of the District of Alaska, by the authority in me vested by the Constitution and laws of the United States, do hereby appoint and commission him, the said Don-a-wak, private of Indian police for the Chilkoot region under the laws of the district, and I authorize him to discharge, according to law, the duties of said office, and to hold and enjoy the same, together with all the powers, privileges, and emoluments thereto appertaining, for the term of one year. He will report for instructions to Officer Nathaniel Jones and Deputy Marshal J. J. Healy.

In testimony whereof, I have hereunto set my hand and caused to be affixed the great seal of the District of Alaska. Done at Sitka, this 1st day of February, in the year of our Lord 1891.

[SEAL.] LYMAN E. KNAPP.

By the governor:

N. R. PECKINPAUGH, *Secretary.*

Certificate of authentication of foregoing papers.

UNITED STATES OF AMERICA,
District of Alaska, Division No. 1, ss:

I, W. J. Hills, clerk of the United States district court for the District of Alaska, division No. 1, do hereby certify that the above and foregoing and hereunto annexed are full, true, and correct copies of letter from Edward P. Lull, commander, commanding U. S. S. *Wachusetts*, to Donowock, chief of one of the Chilcat villages, dated August 24, 1881.

Letter from Henry E. Nichols, lieutenant-commander, U. S. Navy, commanding *Pinta*, to Chief Donowaak and Chief Clanaat and the Chilkoot Indians, dated May 18, 1885.

Memorandum from Rear-Admiral A. M. Pennock, U. S. Navy, on flagship *Saranac*, dated July 30, 1873.

Appointment by Governor Lyman E. Knapp of Don-a-wak as private of Indian police for the Chilkoot region, dated February 1, 1891.

Letter from E. C. Merriam, commander, commanding *Adams*, dated May 29, 1883.

That the same were made from, and by me compared with, the originals which are now in the possession of Don-a-wak, chief of the Chilkoot Indians, which said chief is at present residing at Haines, in the district of Alaska.

In witness whereof I have hereunto set my hand and affixed the seal of the court this 27th day of March, A. D. 1903.

[SEAL.]

W. J. HILLS,
Clerk U. S. District Court for Division No. 1, Alaska,
By J. J. CLARKE,
Deputy.

Deposition of John Don-a-wak.

UNITED STATES OF AMERICA,
District of Alaska, ss:

John Don-a-wak, being first duly sworn, on oath deposes and says:

I am a native Alaskan Indian of the Chilkoot tribe, born near the point known as Haines, in the District of Alaska, and that I have always lived in and about that point, at times living at Dyea, Alaska, being engaged in packing over the Chilkoot Pass.

I was present in 1888 when Klanoot was killed and Sitka Jim, an Indian, was killed. That I remember a boat coming up from Juneau with a number of white men aboard, and that an investigation was held over the bodies of the dead men.

I remember shortly previous to Klanot's death that a boat came to Haines and Klanot was asked aboard the boat and afterwards taken away from Haines and taken to Juneau for striking Bishop Sagers in the mouth, as I remember, with a handful of gravel.

I also remember the death of an Indian named Johnson at the hands of On-tee-Ateley, and the arrest of On-tee-Ateley and a number of other Indians by Edward Armstrong and other officers near Davidson Glacier.

I remember also the case known as the Jack Wade case, and remember seeing a number of the prisoners taken aboard the steamer *Rustler* by the United States officers, and remember that a man-of-war was also in the harbor at Haines and landed a number of soldiers or marines.

I remember numerous other incidents in which arrests were made and officers exercised their jurisdiction in and about the country bordering upon Lynn Canal, Chilkat Inlet, and Chilkoot Inlet and as far inland as the summits of the passes in the mountains therefrom.

I remember and was present at Dyea when certain liquors were seized at or near Stone House and were broken open by the customs officers. I saw the casks after they had been broken open.

That at no time during my memory have the officials of any other country attempted to assume or enforce jurisdiction over the country above described.

I am, and have been for some time past, a member of the Salvation Army at Haines, and am the leader at Haines of the Salvation Army.

his
JOHN x DON-A-WAK.
mark

In presence of—
J. J. CLARKE.

Subscribed and sworn to before me this 27th day of March, A. D. 1903.

[SEAL.] J. J. CLARKE,
Deputy Clerk United States District Court
for Division No. 1, Alaska.

Deposition of Edward Armstrong.

UNITED STATES OF AMERICA,
District of Alaska, ss:

Edward Armstrong, being first duly sworn, on oath deposes and says:

I am a native of Alaska; born near the point known as Wrangell, Alaska, in the year 1869. That I am of Scotch-Indian descent, and have lived in the District of Alaska ever since my birth, except fifteen months that I attended school at the Indian Training School at Salem, Oreg.

That for a large part of the time since the year 1882 I have been employed in the service of the United States Government as Indian police officer and interpreter.

That I am well acquainted with that portion of Alaska known as southeastern Alaska, especially with that portion of Alaska adjacent and tributary to those bodies of water known as Taku Inlet, Lynn Canal, Chilkoot Inlet, and Chilkat Inlet.

That I am familiar with the jurisdiction exercised by the United States courts in the District of Alaska from the year 1884 to the present time, and with the jurisdiction exercised by other officials of the United States from the year 1882 to the present time.

That I distinctly remember that in the fall of 1882 I was on board the U. S. man-of-war *Massachusetts*, and that said vessel then came to Portage Cove, on the shores of Lynn Canal, being the harbor or cove now known as Haines, Alaska.

That said vessel came to Portage Cove for suppressing the trouble among the Indians at or near Portage Cove, and that one Captain Glass was in command of said vessel.

That at said time a portion of the Indians complained of at or near Portage Cove were brought aboard said ship and brought before the commander of said vessel, and the matter of difficulty was discussed and arbitrated; and that thereafter said vessel sailed from said port to Sitka, Alaska.

That in the years 1888 and 1889 I was a guard in the United States jail at Juneau, and acting as Indian interpreter before the United States courts during said years; and that on several occasions I came to Haines, Alaska, and Chilkat, Alaska, as interpreter with deputy marshal to make service of legal papers on natives of the Indian villages at said points. That the exact nature and description of the cases in which these services were made are not distinct in my recollection.

That in the year 1890 I accompanied Harry Bursen, United States census taker, and was with him five months. That we took the census of natives and white settlers from Cape Fanshaw, near Wrangel, to Yakutat, on the shores of the Gulf of Alaska; and that during said trip we took the census of natives and whites around the head of Lynn Canal and as far up the Chilkat River as Klukwan, including Klukwan; and took the census of natives around Taku Inlet and the Taku River, proceeding and taking said census as far as 30 miles up the Taku River at an Indian village about 30 miles up said river where all of the Indians at said place gave their enumerations for the purpose of said census.

That in the year 1891, under United States Marshal Porter, I was

guard and chief of Indian police at Juneau, Alaska, and interpreter before the United States courts.

That in July of said year I came with the deputy marshal, Max Endelman, at the time of the arrest of Indian Tom and Jim Hansen and other natives for murder of a white man and an Indian; which affair was the case commonly known as the Jack Wade case.

That said Indian Tom was arrested at said time by Jack Dalton, deputy United States marshal, and others, at a point up the Chilkat River known as Yindiskuckki, only a few hundred yards distant from the point commonly known as Oolachan Patch.

That at said time the U. S. man-of-war *Pinta* proceeded to Haines Mission and anchored off Haines; and that in company with Deputy Marshal Max Endelman I proceeded across the peninsula from Lynn Canal to Chilkat Inlet at Haines in company with 20 marines off of said vessel to assist in said arrests.

That at various other times during my service under Marshal Porter I came to Chilkat, on Chilkat Inlet, and Haines, on Lynn Canal, to attend to the service of process of the United States courts for the district of Alaska.

That in the month of August, 1894, to the best of my recollection, and while I was in the service of United States Deputy Marshal L. L. Williams, I accompanied Deputy Marshal Jack Ross and United States Customs Inspector James Slater on the steamer *Rustler*, Capt. Malcom Campbell, to the vicinity of Chilkoot, Alaska, for the purpose of arresting seven Indians who had threatened the murder of an Indian known as Indian Joe; and that after reaching Chilkoot, Alaska, which is at the mouth of the Chilkoot River, a short distance north of Haines, we ascertained that said Indians had proceeded down the peninsula between Chilkat Inlet and Lynn Canal to a point in the vicinity of Davidson's Glacier, and that said Indians were by said party arrested at or near said glacier, in the swamps adjacent thereto, and taken into custody and brought to Juneau, Alaska, and there tried.

That about the same time as the last incident mentioned I was appointed special deputy marshal by the marshal, L. L. Williams, and came to Dyea, at the head of Lynn Canal, with Deputy United States Marshal William Hale, and arrested one Skundoo, an Indian doctor, on the charge of murder; that said murder was charged in connection with the practice of said Skundoo in torturing Indians for witchcraft, and that said Skundoo was then and there arrested and brought to Juneau, Alaska, and there tried; and that in connection with said case I also served subpœnas upon a number of Indians at the Indian village of Klukwan, on the Chilkat River, in the district of Alaska.

And that after the year 1897, after leaving the United States marshal's office, I proceeded to a point known as Dalton's Post, on the Dalton Trail and interior from Chilkat Inlet about 85 miles from the village of Klukwan.

That said post was established and maintained by one Jack Dalton, an American citizen, residing in and about Chilkat Inlet, and that at said time there were no Canadian officials in the neighborhood of said post or to the seaward of said post around the country adjacent to Chilkat Inlet, except a party of four Canadian surveyors who were surveying in the vicinity of Dalton Post.

That in the spring of 1898 I took charge of a store belonging to the said Dalton, at what is now called Pleasant Camp, on the Klahena

River, about 17 miles from the mouth of said river; and that during said year 22 Canadian mounted police, under command of Major Jarvis, had come in in the spring of said year on their way to the country known as Rainy Hollow, with the intention of there establishing a frontier post; but that afterwards their plans were changed and they established their camp at the point known as Pleasant Camp.

That subsequently thereto, in the year 1900 or in the year 1901, after the temporary boundary provided for by treaty had been established, the Northwest mounted police moved their post down the Klahena River 17 miles to a point known as Wells, about 2 miles distant from the Indian village of Klukwan, and have since maintained their post at that place.

That numerous incidents which I am unable at this time to call to memory, in addition to those incidents specifically mentioned herein, have occurred in which the jurisdiction and authority and process of the officials of the United States court and of other officials of the United States have been exercised in and about the shores of Chilkat Inlet and as far inland as the passes in the mountains adjacent thereto, and likewise have instances of such jurisdiction occurred in and about the shores of Lynn Canal and as far north as the summit of the passes in the mountains north thereof, and that such authority and jurisdiction has during all time within my memory been exclusive, uncontested, and uncontradicted.

That during all of said time I have been well acquainted with the members of the various Indian tribes within the range of the territory above described, and that the authority of the United States has been recognized and obeyed and that no other authority has been recognized by the Indian tribes, and that during all time within my memory there has never been any attempt on the part of the officials of any other nation or sovereignty to exercise control or jurisdiction within the limits above described.

Referring again to the incident of my arrival at Haines on the ship *Massachusetts*, I remember that at that time the captain of the vessel caused the cannon to be shot several times over the peninsula between Portage Cove and Chilkat Inlet.

EDWARD ARMSTRONG.

Subscribed and sworn to before me this 27th day of March, A. D. 1903.

[SEAL.]

J. J. CLARKE,
Deputy Clerk United States District Court
for Division No. 1, Alaska.

Deposition of E. B. Clark.

UNITED STATES OF AMERICA,
District of Alaska, ss:

E. B. Clark, being first duly sworn on oath, deposes and says:

I am a resident of the district of Alaska, residing near the mouth of the Chilkat River at a point called Industuckki; that I first came to Alaska in the year 1889; that I spent about a month in the year 1889 in and about Chilkat Inlet, and in the year 1890 I came to Chilkat

and have resided in the neighborhood of Chilkat Inlet ever since that time, except when absent on prospecting and exploring expeditions; that I am well acquainted with the country bordering upon and adjacent to Lynn Canal and Chilkat Inlet and Chilkoot Inlet, and that during all of my residence in the district of Alaska I have heard of and known of many cases in which the officials of the United States Government of its various departments in the United States courts have exercised jurisdiction over all of that territory bordering upon said inlets and adjacent thereto and as far inland therefrom as the summits of the passes in the mountains.

That shortly after or at the time I came to Chilkat Inlet one F. H. Poindexter, residing at Chilkat, was appointed a justice of the peace, and that on various occasions he exercised jurisdiction of a justice of the peace in the vicinity of Chilkat Inlet, several of which cases I distinctly remember.

I remember a case in which certain liquors were seized by one John J. Healy, between the year 1890 and the year 1892, at Chilkat, and by him placed in the possession of said Poindexter in his store at Chilkat; and I also remember that said liquors were subsequently stolen from the store of said Poindexter by boring a hole in the floor beneath the barrels.

I remember also a case in which one Hugh Murray, a cannery man near Chilkat, in the District of Alaska, on the shores of Chilkat Inlet, was robbed of a number of blankets by an Indian woman, since known as "Blanket Susie," and that she was arrested and tried at said time.

I remember also an incident about the same time in which one Ed. Gibson was attempting to bring a keg of liquor into Chilkat across the peninsula from a point known as Haines Mission, and that an Indian informed John J. Healy, then deputy United States marshal at Chilkat, of the attempt, and the said Healy met him on the trail between Haines and Chilkat and seized said liquor and deprived the said Gibson thereof.

I remember also a case about said time in which a man was arrested for stealing a side of beef, which had been let down to him from the stern of one of the ocean vessels then lying in the harbor at Chilkat Inlet, near Chilkat.

I remember also that case known as the "Jack Wade case," in which a number of other persons were implicated, including Indians, and in which the deputy United States marshal proceeded as far as Indistuckki, near the mouth of the Chilkat River, and exhumed a body there, and that a coroner's inquest was held at said point over said body, and a number of arrests were made at said time in connection with said affair; that the Jack Wade case arose out of the killing of an Indian by the said Jack Wade and the affray which followed therefrom.

I remember also, although not present at the time of the arrest, that incident known as the "Skundoo case," in which Skundoo was arrested at or near Dyea, in the District of Alaska, for certain tortures of other Indians charged with witchcraft in Klukwan, at or near Klukwan, in the District of Alaska.

And I also remember that Ed. Armstrong, an interpreter for the United States courts and special deputy marshal, came up into Chilkat Inlet and up the Chilkat River as far as Klukwan and brought down certain witnesses material to the trial of the issues in that case.

I remember that prior to the influx known as the "Klondike rush" the

United States kept and maintained a post-office at Chilkat, in F. H. Poindexter's store.

I remember also, in the year 1890, the officials of the United States engaged in taking the census of that decade came to the shores of Lynn Canal and Chilkat Inlet and included in their enumeration all the residents thereabout, including Indians, and proceeded by the Chilkat River as far as at least the village of Klukwan, taking enumeration at that point.

I remember that Edward Armstrong, an interpreter for the United States courts, accompanied the census taker when he was in and about said places.

I remember that some time about the spring of 1894 an Indian by the name of On-tee-Atelay killed another Indian in the neighborhood of Chilkoot, and that the friends of the Indian that had been killed pursued the said On-tee-Atelay from Chilkat down the peninsula between Haines Mission and Chilkat Inlet to a point in the vicinity of Davidson's Glacier, and that there a number of the Indians, implicated both in the murder and in the pursuit of the murderer, were arrested by the United States deputy marshal from Juneau and taken into custody, among whom, I believe, was an Indian known as "Indian Tom."

That as early as 1890 a trading post had been established at the head of Lynn Canal by John J. Healy and Edgar Wilson, copartners, under the firm name and style of Healy & Wilson. They were American citizens and claimed title to their lands under and by virtue of possession, and claimed protection to such possession under the laws of the United States.

That prior to the Klondike rush of 1897, and even prior to my arrival in the vicinity of Chilkat Inlet, a number of claims had been taken into possession by white people, including two cannery sites on the shores of Chilkat Inlet.

That during all of my residence in the District of Alaska the country adjacent to and bordering on Chilkat Inlet and Lynn Canal has been treated by all persons concerned as within the jurisdiction and protection of the laws of the United States; and that all property has been taken up, held, and acquired pursuant to said laws, and all record and evidence of title made in accordance with the provisions of the laws of the United States applicable to the District of Alaska; and that such has been the case as far north of Chilkat Inlet as points on the Porcupine and Klagena rivers and other points now on the Canadian side of the provisional boundary of 1899.

E. B. CLARK.

Subscribed and sworn to before me this 27th day of March, A. D. 1903.

[SEAL.] J. J. CLARKE,
Deputy Clerk United States District Court
for Division No. 1, Alaska.

Deposition of S. Hall Young.

UNITED STATES OF AMERICA,
District of Alaska, ss:

S. Hall Young, being first duly sworn, on oath deposes and says:

I am a minister of the Gospel, the general superintendent of missions of the Presbyterian Church in the District of Alaska.

That I first came to the District of Alaska in 1878 in the month of July in company of John Muir, a scientist and explorer. I made two long canoe voyages in southeastern Alaska in the years 1879 and 1880.

That I am a citizen of the United States, and have since said time been in and about the District of Alaska a large part of the time, and have resided in the District of Alaska for more than fifteen years.

That the said John Muir and myself came to a place near that point now known as Haines Mission, in the District of Alaska, and also visited Glacier Bay, near that glacier now known as Muir Glacier, in the District of Alaska.

In the year 1880 I came up again to that point on Lynn Canal now known as Haines Mission and stepped off a site for the Presbyterian mission at said point, and in 1884 said site was surveyed for the Presbyterian board of missions and a location notice thereof recorded at Juneau, in the District of Alaska, with the United States commissioner at said place.

That the Presbyterian Board of Home Missions is a private corporation, duly organized and existing under and by virtue of the laws of the State of New York.

That as early as 1880 the said Presbyterian Board of Home Missions, through its duly appointed missionary at said place, was in possession and control of a certain mission site at Klukwan, in the district of Alaska, and maintained possession thereof from said date to the present time, and erected improvements thereupon.

That in the year 1880 I also visited a point now known as Dyea, in the district of Alaska, at the head of Taiya Inlet.

That at that time I there found John J. Healy and Edgar Wilson, copartners, doing business under the firm name and style of Healy & Wilson. That they had several buildings erected and in the course of erection, having settled there only a short time previous. That both said Healy and Wilson were American citizens and, as I am informed and believe, had located and were holding their property under and by virtue of the laws of the United States.

That, to my personal knowledge, during my travels in and about Lynn Canal, in the district of Alaska, the boats of the Navy and Revenue Department of the United States from time to time cruised upon waters of Lynn Canal and enforced such order and rendered such assistance and aid as were possible from them to the inhabitants of the shores of Lynn Canal; that in 1896 the mission site now known as the Presbyterian mission at Haines, Alaska, was duly surveyed by one Woodward, a deputy United States surveyor, and said survey was filed in the office of the surveyor-general and patent applied for thereupon for the lands embraced in said survey, and that the Land Department of the United States took jurisdiction and cognizance of said application, and that application for patent to said lands is now in the process of consummation under the jurisdiction of the Land Department of the United States.

S. Hall Young.

Subscribed and sworn to before me this 26th day of March, A. D. 1903.

[seal.] J. J. Clarke,
Deputy Clerk United States District Court
for Division No. 1, Alaska.

Deposition of Lewis L. Williams.

UNITED STATES OF AMERICA,
District of Alaska, ss:

I, Lewis L. Williams, being first duly sworn, depose and say: That I am a citizen of the United States and a resident of the district of Alaska, and have been at all times since 1886 a resident of said district. That in August, 1886, I was appointed United States commissioner for the district of Alaska, to reside at Juneau, by the President of the United States, and held said office until September, 1890. That during the time I acted as such commissioner many prisoners were brought before me for trial, and many of said prisoners were tried, convicted, and sentenced in my court; that many of said prisoners were tried and convicted for violations of United States laws committed in what is now known as the Porcupine mining district, district of Alaska, and north of Klukwan, in said district. That nobody ever questioned my jurisdiction as such commissioner to hold, try, and determine said causes on account of said territory where said offenses were committed being without the jurisdiction of the United States.

That all of the Indians residing and inhabiting that region of territory bordering on Chilkat River and northerly of said Klukwan, at all times since my arrival in Alaska, recognized and acknowledged that they were subject to the jurisdiction of the United States Government. That while acting as such commissioner I had occasion to go to the village of Chilkat, on Chilkat Inlet, in the district of Alaska, for the purpose of holding an inquest over the remains of an Indian; that no one questioned my jurisdiction or authority as such commissioner to hold said inquest; that I went to Chilkat from Juneau for the purpose of holding said inquest at the instance of many white settlers in that vicinity; that in accordance with such request I went to Chilkat and held an inquest over the remains of a deceased Indian for the purpose of determining the cause of death; that my expenses incurred for chartering a boat for the purpose of going to Chilkat at that time were allowed by the United States Government.

That in February, 1894, I was appointed United States marshal for the District of Alaska by the President of the United States and continued to hold said office until August, 1897. That while acting as such United States marshal I had occasion to direct my deputies at various times to make arrests of parties accused of crime in the Porcupine mining district and north of the village of Klukwan, in said district. That neither the Canadian government nor any of its officers ever questioned the right of myself or deputies to arrest any parties for a violation of the United States laws applicable to the District of Alaska within said Porcupine mining district.

That while acting as United States marshal one Scum Doo, an Indian, was indicted by the grand jury of the United States district court for the District of Alaska for murder committed in the vicinity of Chilkat; that said Scum Doo was apprehended by officers acting under my direction at the village of Klukwan, in the District of Alaska, and brought before the United States district court for the District of Alaska for trial, and was there duly convicted of manslaughter by the jury and sentenced by the court to imprisonment in the penitentiary for three years, and was afterwards under said sen-

tence taken to the penitentiary at San Quentin, in the State of California, for the purpose of serving the term ordered by said judgment of said court.

That while the indictment in said cause charged the defendant with the commission of said offense at or near Chilkat, said crime, as shown by the evidence, was committed considerably north of said Chilkat, to wit, near the village of Klukwan, which village is situated near the Klahini River, near the junction of the Chilkat and Klahini rivers, in the District of Alaska. That the hereto-attached papers, consisting of five pages, marked, respectively, A, B, C, D, and E, are portions of the record in said cause of the United States *v.* Scum Doo. That said Exhibits A and B constitute a certified copy of the indictment in said action; that said Exhibits C and D constitute certified copies of the journal entry, showing impaneling of the jury in said cause and the verdict of said jury in said cause; that said Exhibit E is a certified copy of the judgment of the court in said cause.

LEWIS L. WILLIAMS.

Subscribed and sworn to before me this 26th day of March, 1903.

[SEAL.] T. R. LYONS,
Notary Public in and for the District of Alaska.

A and B.

The United States of America. District of Alaska. In the district court of the United States for the District of Alaska.

THE UNITED STATES OF AMERICA
v.
SCUM DOO, an Indian, whose real name is unknown. } United States Revised Statutes, par. 5339.

At the adjourned November term of the district court of the Unites States of America within and for the District of Alaska, in the year of our Lord one thousand eight hundred and ninety-four, begun and held at Juneau, in said district.

The grand jurors of the United States of America, selected, empaneled, sworn, and charged within and for the District of Alaska (which said district had been before the first day of January, A. D. 1894, ceded to the United States, and has ever since and is now under the sole and exclusive jurisdiction of the United States), accuse Scum Doo, an Indian, whose real name is to the grand jurors aforesaid unknown, by this indictment of the crime of murder, committed as follows:

The said Scum Doo, at or near Chilkat, within the said District of Alaska, and within the jurisdiction of this court, wilfully, feloniously, and of his malice aforethought, contriving and intending, one Ches Oghk, an Indian woman, whose real name is unknown to the grand jurors aforesaid, feloniously to starve, kill, and murder, on or about the 24th day of March, in the year of our Lord one thousand eight hundred and ninety-four, and on divers days and times between that day and the 2d day of April, in the year of our Lord one thousand eight hundred and ninety-four, at or near the place aforesaid, in the district aforesaid, in and upon the said Ches Oghk, an Indian woman, whose real name is to the jurors aforesaid unknown, in the peace of God, and at the district aforesaid, then and there being, feloniously, wilfully, and of his malice aforethought, did make divers assaults; and that said Scum Doo, on or about the 24th day of March, in the year last mentioned, in the district aforesaid, her, the said Ches Oghk, in a certain room in the house of Kee-ke-na-su, an Indian whose real name is to the jurors aforesaid unknown, at said place and in said district then situate, feloniously, wilfully, and of his malice aforethought, the said Scum Doo did cause the said Ches Oghk to be confined and emprisoned, and bound with strong ropes; and that said Scum Doo from on or about the 24th day of March, in the year of our Lord one thousand eight hundred and ninety-four, until on or about the 2d day of April, in the year last mentioned, in the district aforesaid, feloniously, wilfully, and of his malice aforethought, did neglect, omit, and refuse to give and

administer, and permit and suffer to be given and administered to her, the said Ches Oghk, sufficient meat and drink necessary for the sustenance, support, and maintenance of the body of her, the said Ches Oghk; by means of which said confinement and imprisonment, and also of such neglecting and refusing to give and administer, and to permit and suffer to be given and administered to said Ches Oghk, such meat and drink as were sufficient and necessary for the sustenance, support, and maintenance of the body of her, the said Ches Oghk, she, the said Ches Oghk, from on or about the 24th day of March, in the year last mentioned, until on or about the 2d day of April, in the same year, in the district aforesaid, did languish, and languishing did live, until on or about which said 2d day of April aforesaid, the said Ches Oghk of the neglect aforesaid did die.

And so the grand jurors duly selected, empaneled, sworn, and charged as aforesaid, upon their oaths do say: That the said Ches Oghk, he the said Scum Doo, did then and there in the manner and form aforesaid, feloniously, wilfully, and of his malice aforethought, kill and murder, contrary to the form of the statutes in such cases made and provided, and against the peace and dignity of the United States of America.

LYTTON TAYLOR,
United States Attorney.

UNITED STATES OF AMERICA,
District of Alaska, Division No. 1, ss:

I, W. J. Hills, clerk of the U. S. district court for the District of Alaska, Division No. 1, hereby certify that the hereto-attached indictment, consisting of two pages marked "A" and "B," is a full, true, and correct copy of an indictment now on file in my office in the case of the United States of America *v.* Scum Doo, an Indian.

In witness whereof I have this day set my hand and affixed the seal of the court this 26th day of March, 1903.

[SEAL]

W. J. HILLS,
Clerk U. S. Dist. Court for District of Alaska, Division No. 1.
By WALTER S. COUTANT,
Deputy.

C.

JUNEAU, *November 26, 1894.*

THE UNITED STATES *v.* SCUM DOO.

This cause coming on for trial, the plaintiff being represented by Lytton Taylor, esq., United States district attorney, and the defendant being personally in court, and his counsel, J. F. Malony, esq., the venire of the petit jury being called by the clerk, and the jurors sworn as to their qualifications, and being passed for cause, the following jurors were sworn to try the issues: E. J. Hunsacker, W. G. Jack, Chas. Foreman, P. H. Fox, John P. Burns, J. P. Jorgonson, A. A. Runkel, Thos. Kiernan, John Gamble, H. J. Beltzhoover, Henry Hill, John McKinnon.

The evidence being heard, the cause being argued by counsel, the jury charged by the court and retired for deliberation, and in charge of a sworn officer. The jury in above-entitled cause, after coming into court, and being called by the clerk and all answering, the plaintiff being represented by the United States district attorney, the defendant being present, and his counsel, the jury rendered the following verdict:

"The United States of America, District of Alaska. In the district court of the United States for the district of Alaska. The United States *v.* Scum Doo.

"We, the jury, empaneled and sworn in the above-entitled cause, find the defendant guilty of manslaughter.

"JOHN E. GAMBLE, *Foreman.*"

D.

It is therefore ordered by the court that the jury be discharged from further attendance on this cause.

UNITED STATES OF AMERICA,
District of Alaska, Division No. 1, ss:

I, W. J. Hills, clerk of the United States district court, for the District of Alaska, division No. 1, hereby certify that the foregoing is a full, true, and correct copy of a certain journal entry in the matter of the United States *v.* Scum Doo, an Indian, found

on pages 570 and 571 of the records of my office in Journal 4, which copy of said order is marked "C and D" and attached hereto.

In witness whereof I have this day set my hand and affixed the seal of the court this 26th day of March, 1903.

[SEAL.] W. J. HILLS,
Clerk United States District Court for District of Alaska, Division No. 1,
By WALTER S. COUTANT,
Deputy.

E.

JUNEAU, *Monday, December 26, 1894.*

THE UNITED STATES } No. 392.
v.
SCUM DOO.

Now, at this day comes the plaintiff, by Lytton Taylor, esq., United States attorney, as also comes the defendant in person, with J. F. Malony, esq., as counsel, and appearing for judgment.

And it is hereby ordered, adjudged, and decreed that defendant be, and the same is hereby, convicted of the crime of manslaughter, and sentenced to imprisonment in the penitentiary for the term of three years.

UNITED STATES OF AMERICA, *District of Alaska, ss:*

I, J. W. Hills, clerk of the United States district court for the District of Alaska, Div. No. 1, do hereby certify that the foregoing is a full, true, and correct copy of the original order found on page 627 in book 4 of the records of my office.

Dated this 26th day of March, 1903.

[SEAL.] W. J. HILLS, *Clerk,*
By WALTER S. COUTANT, *Deputy.*

Deposition of In-da-Yonk.

UNITED STATES OF AMERICA,
District of Alaska, ss:

In-da-Yonk, alias Schwatka, being first duly sworn, on oath deposes and says:

I am a native Alaskan Indian of the Chilkat tribe.

That I have been an explorer and guide and trader in Alaska for a number of years, residing principally around Haines, Alaska; Klukwan, Alaska, and Dyea, Alaska.

That I was the Indian guide for Lieutenant Schwatka on his exploration of the Yukon River, and accompanied him from St. Michaels as far as San Francisco, about the year 1886.

That I distinctly recollect the time when Alaska was turned over by the Russians to the United States.

That I reached Sitka shortly after the transfer had been made.

That prior to such transfer the Indians among whom I was raised and lived considered the Russians merely as traders temporarily in our country, and it was not common talk among the Indians that any other persons or nations claimed the country known as Alaska until the time of the transfer, when it became known to us that Russia had left the country and sold it.

That I remember about twenty years ago when a ship of the U. S. Navy came to Haines, Alaska, and some of the Indians went aboard of her, and I remember that at that time I was told that the ship had fired shots over the hill near Haines, Alaska, to show the Indians how the guns worked. I was not present at Haines at that time, but came to Haines shortly afterwards, having at that time been at the village of Klukwan.

That prior to the visit of the ship that shot the cannon another ship, much larger and more impressive, of the U. S. Navy, was seen off Haines in the neighborhood of Haines, but that no shots were fired by that ship.

That although not personally present I recollect very well several incidents in which arrests were made by officers of the United States in and about the shore of Lynn Canal and Chilkat Inlet.

I remember that one Klanot, head chief of the Chilkat tribe, living at Dyea, Alaska, was arrested for slapping one Bishop Sagers. This occurred near the time that I went into the Yukon with Lieutenant Schwatka.

I also remember when my brother Skundoo was arrested and tried for punishing certain Indians for witchcraft. I was present at Dyea at the time the boat came in with the officers and took Skundoo away with them, and I remember fully all the incidents in connection therewith.

I remember also that he was either in jail or the penitentiary for several years.

I remember when several Indians among whom was Kok-hia Shortridge and Kow-ish-tee and Yet-Kahk were arrested for assaulting Hugh Murray, the cannery man at Pyramid Harbor.

I remember also that John J. Healy was deputy marshal in Chilkat for awhile, some time before the rush of people to the Klondike.

That during all the time I have lived around Lynn Canal and Chilkat Inlet the Indians whom I have known have always recognized the jurisdiction of the United States over the country around the shores of the inlet and the country adjacent to the inlet and to Lynn Canal, and have always respected the laws of the United States and their officers, and have never known of any other officials of any country trying to make order or enforce laws in any way of the country adjacent either to Chilkat Inlet or Lynn Canal.

I also know that among the Indians of the Chilkat tribe upon the Chilkat River the authority and jurisdiction of the officials of the United States has been recognized right along by the Indians residing at Klukwan, in the district of Alaska.

I remember shortly after the Russians turned over this country to the United States a flag was given to Chief Shortridge, of the Chilkat Indians, although I was not present at the time the boat came in and the flag was given to Shortridge; but the flag was put up on a flagstaff at Klukwan at the chief's house and kept there for about a year, being put up at least once a week—on Sundays.

That prior to this time an Indian had come from the neighborhood of Skeena River, and had been taught about Sundays by a Catholic priest, and had taught the Indians about Sunday, and that the flag was put up on Sundays, and that the Indians knew when Sunday came at that time because that Indian preached on Sundays.

his
IN-DA-YONK X
mark.

In the presence of—
J. J. CLARKE.

Subscribed and sworn to before me this 26th day of March, A. D. 1903.

[SEAL.] J. J. CLARKE,
Deputy Clerk, United States District Court,
Division No. 1, Alaska.

Deposition of George Kostrometinoff.

DISTRICT OF ALASKA,
Village of Sitka, ss:

George Kostrometinoff, being duly sworn, deposes and says:

I am 49 years of age and a citizen of the United States. I was born at Sitka, Alaska. I have been in the employ of the United States Government since July 11, 1876, off and on, in the capacity of official interpreter, and as such have traveled all along the coast of Alaska from Dixon Entrance to Point Barrow, and at different times visited the principal villages on the coast.

I am acquainted with that strip of territory over which there is dispute between the United States and Great Britain, and have traveled through portions of that territory. I have been up the Chilkat River as far as the native village of Klah-Kwan, which is from 20 to 25 miles from salt water. I was there only once, and that was with ex-Governor Lyman E. Knapp, in July, 1891. Governor Knapp was then making an official tour and I went with him in the capacity of interpreter. He went up there to a village of Indians to hear their complaints and adjust their difficulties as far as he could. There were several officials beside Governor Knapp in the party, among them the executive officer of the U. S. S. *Pinta* and the paymaster.

I did not see any mining going on there at that time in the vicinity of Klah-Kwan, but I heard that there was in that country, not at Klah-Kwan, but farther up; there was no mining at the village. We got there in the evening—in the summer time, and of course it was daylight all the time—and left there the next day, the forenoon of the next day. I did not hear of anyone there at that time claiming any jurisdiction on behalf of any other Government than the United States, and as far as I know we were on American territory. There were no white men there at all; no one but the Indians. I made other trips up the Chilkat River than the one I mention later. I made one trip with Judge Johnson and Lawyer Cobb of Juneau as far as a summer village of the Indians, about halfway to Klah-Kwan, to investigate trouble between natives and white men about a trail that ran from Haines—trail running from Haines Mission and following the banks of the river; that trail was supposed to go to the Porcupine District.

At the time I was up there with Governor Knapp, in 1891, I heard no question as to the authority of the United States over that country. It was not questioned by anybody. It was always claimed and always recognized as United States territory. The question was never brought up until gold was found there. The nearest that I have been to the Porcupine country is this village Klah-Kwan.

When I was in Skagway, in 1899, I met several chiefs who complained to me about the outrages committed by the Canadian police. They claimed that the trail, which was made and used by their ancestors to carry goods into the interior for trading purposes, was claimed by the Canadians, and the Canadian officers demanding duty on all the goods carried by the natives. The Canadians did not commence to arrest these Indians until after gold was discovered in the Porcupine District. They had not molested them before that.

GEORGE KOSTROMETINOFF.

Subscribed and sworn to before me this March 27, 1903.

[SEAL.] EDWARD DE GROFT,
United States Commissioner.

Deposition of George Shortridge.

UNITED STATES OF AMERICA,
District of Alaska, ss:

George Shortridge, being first duly sworn, on oath deposes and says:

That I am a native Alaska Indian of the Chilkat tribe, and that my father was the head chief and ruler of the Chilkat tribe.

At the time of the transfer of the country known as Alaska from the Russians to the United States I was a boy, and I remember that a vessel of the United States came into Pyramid Harbor on Chilkat Inlet in the district of Alaska; and that my father, then chief, was sent for by the officers of said vessels, and that my father and I were then living at Klukwan on the Chilkat River in the district of Alaska, some miles above the mouth of that river on Chilkat Inlet; and that I accompanied my father from Klukwan to Pyramid Harbor and visited the vessel.

That I did not know what transpired between the parties, being too young to take such an interest as would keep the matter in my mind, but that a flag was given to my father by the officer on said vessel, being a flag of the United States; and also a uniform which he presented to me. That the flag is still in my possession, and is at Klukwan in the district of Alaska.

That at all times from said time until the present day the authority and jurisdiction of the United States over all of the country upon the shores of and tributary to Chilkat Inlet and Lynn Canal and Chilkoot Inlet, has been recognized by the natives inhabiting the country around said shore and far inland therefrom to a point beyond Klukwan and as far at least as the summits of the mountains inland from said bodies of water; and that no other government has ever been recognized by the natives inhabiting the country above described at any time.

That although not then present I remember the occurrence which was commonly known throughout our tribe in which one Klanot was arrested and taken to Sitka for slapping Bishop Sagers at or near Dyea.

That I also remember the occasion shortly subsequent, although not present, upon which the said Klanot was killed by a Sitka Indian—Sitka Jim. I remember the occasion, although at Klukwan at the time, when a ship of the United States came into the cove off Lynn Canal in front of the place now known as Haines and called some of the Indians aboard and showed them how the cannon worked on said vessel and fired several shots.

I was at Chilkat at the time of the occurrence in which Jack Wade killed an Indian, and remember the occurrence. I remember also that some of the parties apprehended in connection with said case were arrested near Oolachan Patch or Industuckki.

I remember that at one time long prior to the rush of white people to the Klondike that one F. H. Poindexter was a justice of the peace at Chilkat, on Chilkat Inlet, in the district of Alaska.

I remember also the incident in which Skundoo was arrested and taken to Juneau. I was present at Klukwan at the time Stephen York and others came up to arrest one Kodowat, an Indian, and I remember that there was a potlatch at that time, and that Kodowat would not come with the marshal, but subsequently come after the potlatch was over and surrendered himself to the marshal.

Although not then present, I remember the occasion upon which an Indian woman, sometimes called "Blanket Susie," was arrested for taking blankets from Hugh Murray's cannery on Chilkat Inlet.

I remember that shortly after the transfer of Alaska from the Russian Government to the United States that a vessel of the United States came into Chilkat Inlet with one Kincaid, of Sitka, aboard. That among the party was one John Davis, as I recollect, who had brought the troops of the United States to Sitka; and there was also a very old man with a scar on his face; and all of said party went as far as Klukwan, where my father and I were then living, and the party stayed in my father's house. And the party had with them surveying instruments, and that they stayed there about a month and a half, and considerable surveying was done at that time not a great distance from Klukwan. I remember also that the eclipse of the sun occurred at that time and that it was totally dark in the daytime.

his
GEORGE x SHORTRIDGE.
mark.

In presence of—
J. J. CLARKE.

Subscribed and sworn to before me this 27th day of March, A. D. 1903.

[SEAL.]

J. J. CLARKE,
Deputy Clerk United States District Court
for Division No. 1, Alaska.

Deposition of Klanot.

UNITED STATES OF AMERICA,
District of Alaska, ss.

Klanot, an Indian, being first duly sworn, on oath deposes and says:

I am one of the Indians who was arrested at or near Davidson's Glacier by Ed. Armstrong and other officials of the United States in connection with the On-tee-Ateley affair, in which I with three other Indians were pursuing On-tee-Ateley after he had killed a relative of mine, and was brought to Juneau and tried before the commissioner's court there, but after trial was discharged on the condition that I keep the peace thereafter.

That I remember the incident and the arrests of all the other parties at that time.

I also testified in the murder case in which On-tee-Ateley was tried and convicted and that On-tee-Ateley was sent for ten years to jail or penitentiary.

his
KLANOT x
mark.

In presence of—
J. J. CLARKE.

Subscribed and sworn to before me this 27th day of March, A. D. 1903.

[SEAL.]

J. J. CLARKE,
Deputy Clerk United States District Court
for Division No. 1, Alaska.

Deposition of Stephen E. York.

UNITED STATES OF AMERICA,
District of Alaska, ss.

I, Stephen E. York, being first duly sworn, depose and say:

That I am a citizen of the United States and a resident of the District of Alaska and have been a resident of said district at all times since 1886; that I am familiar with the Porcupine mining district in the District of Alaska, the Chilkoot River, and Chilkoot Inlet, and Chilkoot and White passes, and have been over different portions of said regions frequently since my arrival in Alaska; that in the fall of 1888 I was commissioned by the United States marshal for the District of Alaska to lead a posse of 9 men to Klukwan, then an Indian village on the Kleheni River, in the Porcupine mining district, in the District of Alaska; that the reason said United States marshal commissioned me to lead said posse to said Klukwan was for the purpose of capturing one Koo-to-wat, an Indian who was charged with having killed another Indian in the vicinity of Klukwan; that in accordance with the instruction of said United States marshal as aforesaid I, in company with 9 other men who were under my control and command, went from Juneau by way of Lynn Canal and sailed up the Chilkat Inlet and the Chilkat River to Klukwan; that at that time the United States Government, through its officers, exercised jurisdiction over all of the region of territory bordering on the Chilkat River and its tributaries to a point at least 10 miles north of said Klukwan, and that neither the Canadian nor the British Government pretended to exercise any control whatever over that region of territory or over the inhabitants who lived there at that time.

That the inhabitants of said portion of the District of Alaska were nearly all Indians, and they acknowledged at all times that they were under the jurisdiction of the United States. That subsequent to 1888, and between that date and 1895, many citizens of the United States sailed up the Chilkat River for the purpose of prospecting the region drained by said Chilkat River and its tributaries, and that said prospectors at all times conceived themselves to be under the jurisdiction of the United States, and believed that they were prospecting in the territory subject to the United States; that since the discovery of gold in the Porcupine mining district, in the year 1898, all of the miners who made any locations in that district were citizens of the United States at the time of such location, and located their claims in accordance with the laws of the United States.

STEPHEN E. YORK.

Subscribed and sworn to before me this 27th day of March, 1903.

[SEAL.] T. R. LYONS,
Notary Public in and for the District of Alaska.

ENFORCEMENT OF REVENUE LAWS AND EXERCISE OF AUTHORITY BY TREASURY OFFICIALS.

The Acting Secretary of the Treasury to the Secretary of State.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, April 10, 1903.

The SECRETARY OF STATE,
Washington, D. C.

SIR: I have the honor to transmit herewith copies of the records of this Department showing the action of its officials in the enforcement of the laws of the United States and in preserving order among the inhabitants on the shores and interior waters of the mainland territory of southeastern Alaska.

Respectfully, M. E. AILES,
Acting Secretary.

The Secretary of the Treasury to the Secretary of State.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., September 15, 1898.

SIR: Replying to your inquiries respecting the southeast coast of Alaska, I have the honor to inform you that an examination of the records of this Department shows that a customs office was established at Tongass, southeast Alaska, March 15, 1869, and was maintained until 1888; at Mary Island, in August, 1892, and still continued; at Wrangel, in February, 1870, a customs station, now being maintained at the international boundary line on the Stickine River, about 10 leagues from its mouth; at Juneau, March, 1883; at Chilcot, August, 1890; one at Dyea, with a customs station at the international boundary.

In addition I have to report that the steamers of the revenue service have made annual visits to the coast in question since 1867, under the instructions of this Department, entering all the inlets and arms of the sea to the head of navigation, for the purposes of protecting the revenue, enforcing United States laws, and preserving peace and order among the natives.

Respectfully, yours, L. J. GAGE,
Secretary.

The SECRETARY OF STATE.

Memorandum relating to the establishment and maintenance of the United States customs service in southeastern Alaska, as shown by the records of the Treasury Department.

The Secretary of the Treasury, under date of August 15, 1867, directed Special Agent W. S. Dodge to proceed to Sitka, Alaska, and act as collector of customs for that Territory.

The following is a list of the subordinate customs officers first appointed for duty at the several subports and customs stations named in Alaska, with the dates of their respective appointments, on or adjacent to the mainland south of 60° north latitude.

Name.	Grade.	Office.	Date.
George Forsaith	Inspector	Tongass	Mar. 15, 1869
Alex. H. Merritt	Deputy collector and inspector.	Wrangell	Feb. 3, 1870
A. C. Barry	Inspector	Juneau	Mar. 21, 1883
John D. Smith	Deputy collector	Mary Island	Sept. 29, 1891
Joseph L. Millsaps	Inspector	Douglas City	Feb. 24, 1892
J. J. Healy	do	Chilcat	Aug. 19, 1890
George A. Waggoner	Deputy collector and inspector.	White Pass	Jan. 5, 1900
Alfred E. Maltby	do	Skagway	Aug. 3, 1899
John R. Beegle	do	Dyea	June 8, 1898

The following report, dated Sitka, April 8, 1868, from Acting Collector Dodge, and its accompaniments relate to the operations of customs officers on the Stickine River.

CUSTOM-HOUSE, *Sitka, Alaska, April 8, 1868.*

Hon. HUGH MCCULLOCH,
Secretary of the Treasury.

SIR: Inclosed please find copy of a letter addressed me by William F. Tolmie, chief factor of the Hudson Bay Company, in relation to the transportation of their trading goods in transit up the Stickine River through our new possessions to their trading posts in British North America; also please find a copy of a letter which I addressed to Mr. Tolmie in reply.

While this country was under the control of the Russian Government the Hudson Bay Company were accorded the privilege of shipping their merchandise in transit up this river. They have one post within a few miles of the supposed line of our territory. The river is navigable for light-draft steamers, and the company desire to exercise this right, subject to such rules and regulations as our Government may adopt to protect its revenue.

On the 8th of February one of this company's steamers came to this port with a cargo of merchandise destined for their posts up the Stickine River. The vessel came here for permission to land these goods at the mouth of the Stickine, in charge of the inspector of customs at that point, Mr. Forsaith, an appointee of Captain Howard of the U. S. revenue cutter *Lincoln* to await transit in May when the ice shall be broken up and navigation secured.

I reflected upon this matter for two or three days and hesitated granting the request without instructions from the Department. But the vessel was here to await instructions, which would involve a period of at least three months, so I at last gave the vessel a permit to land these goods at the mouth of the Stickine, to be stored in a building formerly the property of the Western Union Telegraph Company, and placed in the charge of Mr. Forsaith, a sworn officer of the Government, and whose oath I have already forwarded to Washington.

So far as practicable I enforced the regulations required by law in the transit trade with the Canadas.

I also directed Lieut. George W. Moore, of the Revenue Service (a

gentleman whose services can not be too highly appreciated by the Government), to proceed on this company's steamer and to superintend the unlading and delivery of the goods. With this letter please also find a copy of the instructions issued him.

I also desired to secure information concerning the coast in this direction, and especially in regard to Portland Canal, and this afforded me excellent opportunity, the only expense being that of returning from Victoria and of board while awaiting means of conveyance to return.

His written report on file in this office affords much valuable information, and will be of great benefit to the service of a revenue cutter when one shall come, and in my opinion will vastly repay the Government the expense of $82.28, the sum incurred.

Whether the Department has approved the appointment of Mr. Forsaith, I do not know. He was appointed by Captain Howard on the 12th of August, 1867, and taken to the Stikine on the Hudson Bay Company's steamer *Otter*. He has been there since that date. Captain Howard did not inform me what compensation he had agreed to allow. On his arrival at Washington it is possible he may have arranged it.

From what I can learn he is an honest, faithful man, although somewhat illiterate. It is but justice that he should be informed whether the appointment be valid, and if so, what his compensation shall be. I also need his services here.

And I hereby inform the Department that on the 3d of April I revoked the appointment of Mr. Forsaith and appointed a Mr. Charles C. Walden, a man of good character, high standing, and large executive capacity, in his stead, directing Mr. Forsaith to return here at the earliest opportunity. The reason for this is that I consider Mr. Walden a fitter man for the place, especially if the right of transit be accorded to the Hudson Bay Company. Another reason for my action is that on the 31st of March, 1868, another steamer of the Hudson Bay Company arrived here with the balance of the goods intended for the trading posts during the ensuing summer. I permitted the landing of these goods at the Stikine under the same regulations I had previously imposed and sent Mr. Walden in charge of the goods and vessel. I herewith also transmit a copy of the instructions given him.

It will be seen that I have given no authority for the transit of the Hudson Bay Company's goods, nor do I intend to do so until authorized by the Department. But as I understand the law of nations in this regard, and the rights claimed under it by our Government, and as I suppose our Government is willing to accord to others what it claims from them, I have taken the responsibility of acting to this extent, and now inform the Department of the facts, and ask for such instructions concerning this in transitu trade as shall enable me to act properly and right and secure the true interests of the Government.

Mr. Roderick Finlayson, another of the chief factors of this company, came with the last steamer to consult with me regarding this matter, and to ascertain if it can not be arranged so that they can (provided the transit is permitted) go direct to the Stickine, instead of first coming here. By this arrangement a detour of some 500 miles would be saved to them.

Probably by the confirmation of Mr. Walden's appointment this can be arranged, although I suggest that inasmuch as the country

or coast is so likely to harbor a contraband trade it would be better, for the present at least, to compel a clearance here.

I feel it my duty to recommend the appointment of Mr. Walden at the Stickine. The one made is temporary, the compensation to be fixed by the Department. He is wealthy and has gone down with a working party of 10 men to prospect that section for gold and other minerals. He is a live man and will do much toward the development of our new acquisitions.

Trusting that what I have done may meet with the approval of the Department, and that I shall soon receive instructions regarding this whole matter, I have the honor to be,

Very respectfully,

WM. SUMNER DODGE,
Special Agent and Collector.

HUDSON BAY HOUSE,
Victoria, V. I., January 29, 1868.

W. S. DODGE, Esq.,
United States Collector of Customs, Sitka.

SIR: As it will be necessary for us soon to send supplies to our station on the Stikine River, within the British line, we have to ask the favor of your informing us by return of the steamer *Otter* of all the formalities required by you for our landing goods at Stikine Mouth, where you have a customs officer stationed, in transit for that post.

Captain Lewis, of our steamer *Otter*, the bearer of this, will furnish you with any explanations in this regard which you may require, and with best wishes I have the honor to be, sir,

Very respectfully, your obedient servant,

W. F. TOLMIE,
Chief Factor, Hudson Bay Company.

COLLECTOR'S OFFICE, DISTRICT AND PORT OF SITKA, ALASKA,
February 13, 1868.

Lieut. GEORGE W. MOORE, *Revenue Service.*

SIR: As the English steamer *Otter* is about to leave this port for trading parts in British possessions, and also desires to unlade passengers and a portion of the cargo at different points within American territory, and being desirous of extending every facility to the Hudson Bay Company in the matter of commercial relations consistent with the strict laws of the customs, and it being impracticable to comply at this point with some of the regulations incident to the carrying and transit trade along our coast and within our borders, you are hereby appointed as a temporary inspector and directed to accompany the said *Otter* on her trip through our possessions, affording every facility for the execution of legitimate rights, but taking every precaution to guard against a violation of the revenue laws, and to this end you will use you discretion in sealing hatches at night and enforcing other remedies the exigencies of the case may demand.

You will take and return to this office a correct list of the stores which the Hudson Bay Company have received permission to land at the mouth of the Stikine River for the use of their posts in their own possessions and to be taken up the said river the coming spring in transit to their posts; you will carefully compare the said merchandise with the entries made on the ship's manifest and note the fact.

These goods so landed will be stored in charge of Mr. Forsaith, the inspector of customs stationed at that point, by Captain Howard of the revenue cutter *Lincoln*, and he will be held responsible for their safe custody until spring, when the *Otter* or some other vessel of the Hudson Bay Company shall return to the Stikine, by a permit from this office, or other proper authority, to land the same in transit to the posts in their said possessions bordering the Stikine River. You will have written directions to Mr. Forsaith to accompany these goods through our territory to their destination, and see that they are only landed on British soil, and that upon his return to this post he shall make a full report of his action to this office by the earliest opportunity.

You will permit Captain Lewis to land his Indian passengers at Chatchenah,

together with their baggage and stores, under such restrictions as you deem proper to impose. You will also give permission to the ship to land at Misquiro Harbor and unlade the goods mentioned in their permit to Captain Lewis, the duties on said goods having been paid at this office.

You will also permit the vessel to lade the salmon belonging to one Baromvich at his post and take it away, first seeing that it is duly entered upon the manifest, provided, however, that you first make a careful examination of the said premises and vicinity, and if you discern liquors there in any quantities more than is reasonably allowable for the number of workmen employed, and ascertain that the same is sold or traded to the Indians in violation of United States laws, you will then seize all the effects, stores, etc., of the said Baromvich in the name of the United States and not permit the same to be taken away under any circumstances. In such a case you will take a complete inventory of the said stock in duplicate, keeping one and giving one to whoever may be in charge of the same, with a written notice of the seizure and a warning to all who may attempt to disregard it. Upon your return further action will be taken in the matter, as in such cases made and provided.

Captain Lewis will provide you at his own expense with suitable quarters, as becomes your position, and board, and will keep you until you have an opportunity to return on some upward-bound vessel or you shall arrive at Victoria, British Columbia. You will then return by the earliest means of conveyance to this port. You will be allowed all necessary and just expenses for the trip, vouchers for which, when practicable, shall be taken.

Wishing you a prosperous passage and trusting that you may learn many things of value to the customs and revenue service,

I am, sir, very respectfully,

WM. SUMNER DODGE,
Special Agent and Collector.

COLLECTOR'S OFFICE, *Sitka, April 3, 1868.*

CHAS. A. WALDEN, Esq.

SIR: You having been appointed inspector of customs at the mouth of the Stickine, in our new possessions, it becomes my duty to give you such instructions as shall enable you to faithfully discharge the trust imposed in you and protect the revenue of the country.

First. The principal object of your appointment is to superintend the shipment of merchandise belonging to the Hudson Bay Company from the mouth of the Stickine to their trading posts in British Columbia contiguous to American territory. To that end you will, when any of the vessels of this company come to the Stickine with a proper clearance and permit from this office, stating that such goods are destined to their posts in transit, allow such goods to be landed if necessary and reship in smaller boats to their destinations.

A manifest of such goods will always be forwarded you, and it will be your duty to see that these goods correspond in every particular with the manifest. You will take full charge and control of them and keep such possession of them until they shall have been landed at one of their posts on British soil, at which time you will release them and make your return upon the said manifest, stating the full particulars of their landing, transit, and delivery. You can not be too deeply impressed with the rigid exercise of your power in this particular. Prompt attention and careful watchfulness are necessary to protect the rights of our Government, as well as to secure the Hudson Bay Company from trouble and vexatious delays. At the same time you will exercise all the courtesy possible incident to the faithful performance of your duty.

Second. You will not permit any vessel to land any supplies at this point or any other point within your vicinity unless the master of said vessel shall have authority from this office or the Secretary of the Treasnry to do so.

Third. You will keep as careful watch as possible over all vessels that may be cruising along our territory or trading with Indians on our coast, and whenever practicable you will board such vessels, examine their papers, and see if they have the proper authority from this office. If not, you will carefully note their names, where from, and character of their cargo, and report the same at the earliest opportunity to this office or to the commander of the revenue cutter which will frequently cruise in these waters, that they may, if possible, be overhauled and seized.

You will be furnished with a copy of the Regulations, a careful study of which will render you familiar with your duty.

Your headquarters will be in what is known as the Telegraph Building, and if

at any time goods are landed to await shipment in transit you will have them stored in this building with the labor and at the expense of the owner and master.

You will proceed to the Stikine at once on the steamer *Otter* and the captain will furnish you with cabin fare and suitable accommodations, free of charge. During the passage you will exercise full control over the cargo of the vessel and permit no trading with the Indians along the shore.

You will be furnished from time to time with such instructions as your post may require and it is desirable that you should communicate with this office at every opportunity all the facts or suggestions necessary or conducive to the interest of the Government.

Trusting that with the careful study of the Regulations and the exercise of good sense all may work smoothly and well, I am,

Very respectfully,

WM. SUMNER DODGE,
Special Agent and Collector.

Extract from letter of Collector Ketchum to the Secretary of the Treasury.

CUSTOM-HOUSE, PORT OF SITKA, DISTRICT OF ALASKA.
Collector's Office, December 15, 1868.

Hon. HUGH MCCULLOCH,
Secretary of the Treasury.

SIR: I have this day received from the general commanding the Department of Alaska a communication, of which the following is a copy:

HUDSON'S BAY HOUSE,
Victoria, V. I., British Columbia, November 20, 1868.

Maj. Gen. J. C. DAVIS, U. S. Army,
Commanding Department of Alaska.

SIR: It being of importance to the Hudson Bay Company for the transaction of their business in British Territory on the Upper Stikine that they should have an agent at their house on Point Highfield, Wrangell Island, Alaska, I have respectfully to inquire whether such a proceeding would be in accordance with the laws of the United States in force in that territory, and whether, as the officer in command of the Department of Alaska, you would permit our placing an agent at the point named, to attend to the duty of forwarding goods to the British territory, inland, and also, on behalf of our company, to trade with the Indians of the coast.

Have the goodness to communicate your reply to the bearer, Capt. Herbert Lewis, who has on board the company's steamer *Otter* goods to be cleared at Sitka for trade at Point Highfield, should he be permitted to establish a post there. Of course should such permission not be granted, the goods in question will not be landed in the territory.

I have the honor to be, sir, your most obedient servant,

W. F. TOLMIE.

This communication was indorsed:

HEADQUARTERS DEPARTMENT OF ALASKA,
Sitka, Alaska, December 14, 1868.

This communication is respectfully referred to the collector of customs for the district of Alaska for his opinion on the subject. An early reply is requested.

JEFF. C. DAVIS,
Brevet Major-General, Commanding.

To this communication I replied as follows:

CUSTOM-HOUSE, PORT OF SITKA AND DISTRICT OF ALASKA,
Collector's Office, December 15, 1868.

Bvt. Maj. Gen. J. C. DAVIS, U. S. Army.,
Commanding Department of Alaska.

SIR: I have this day received a communication addressed to you by Mr. W. F. Tolmie on behalf of the Hudson Bay Company inquiring whether it would be in accordance with the laws of the United States in force in the Territory of Alaska

and whether you would permit an agent of that company to be placed at Point Highland, Wrangell Island, Alaska, to attend to the duty of forwarding goods to the British territory inland, and also on behalf of the company to trade with the Indians of the coast, which communication is indorsed by you as referred to me for my opinion on the subject.

Without entering into the more extensive question as to how far the former laws of the United States in relation to Indian countries are absolutely binding upon the recently acquired territory of Alaska without further enactments upon the subject, in my opinion your rule of action is clearly laid down, in the absence of specific instructions, by the obvious ideas and intentions of Congress in passing those laws. It will be seen that they have pursued a uniform line of policy upon the subject of Indian trade for a long series of years, and until they make a specific declaration to the contrary it must be presumed that such is still the rule by which they will be guided.

Section 1 of the act of Congress approved April 29, 1816 (since repealed) provides: "That licenses to trade with the Indians within the territorial limits of the United States shall not be granted to any but citizens of the United States, unless by the express direction of the President of the United States, and upon such terms and conditions as the public interest may, in his opinion, require."

Section 5 of the act of Congress approved June 30, 1834 (still in force) provides: "That no license to trade with the Indians shall be granted to any persons except citizens of the United States: *Provided*, That the President shall be authorized to allow the employment of foreign boatmen and interpreters, under such regulations as he may prescribe."

This has not only been the uniform practice of the United States in relation to commerce with Indians within its territories, but in the case of our Alaskan territory it commends itself to the dictates of common reason. To allow a rich foreign corporation to obtain a foothold on our soil and enter into competition with our native traders would be virtually to surrender the territory to them. Their extensive resources and superior facilities would soon drive smaller capitalists from the field—their wealth and power would give them a practical monopoly of the trade, and where we are now establishing the nuclea of expanding American colonies there would soon exist but a series of British trading posts.

With great respect, I am, General, your obedient servant,

HIRAM KETCHUM, JR.

* * * * * * *

The following reports of Special Agent W. G. Morris of March 12, 1880, and of the collector at Sitka of March 27, 1880, and the Department's letter of April 2, 1880, to the latter, relate to the appointment of an inspector of customs for temporary duty, to prevent smuggling in the Chilcat country.

OFFICE SPECIAL AGENT OF THE TREASURY,
Portland, Oreg., March 12, 1880.

SIR: Information has reached me, which is deemed reliable, that a large fleet of canoes manned by Indians from Vancouver Island contemplate visiting the Chilcat country, during the months of April and May next, laden with contraband goods, such as blankets, muskets, ammunition, brandy, rum, etc., for the purpose of barter for the spring trade of furs trapped by the natives of the Chilcat tribe and surrounding country.

The collector at Sitka has no vessel at his disposition for breaking up this illegal traffic, which has been in vogue for many years, so that at present it has been reduced to an organized and successful system.

The Northwest Trading Company, a corporation formed under the laws of this State, has recently purchased a steamer and will load her with domestic supplies from this port, for the purpose of engaging in this trade and securing the valuable results thereof to a home company, thus making a market for goods of American manufacture.

It occurs to me the opportunity is now presented for the United States to exercise her sovereignty in those waters, which to the present time have been left neglected and open to wholesale smuggling, by dispatching there a customs officer whose duty shall be to enforce the revenue laws.

This can be done by having an inspector afloat during the trading season, who shall be stationed on the steamer belonging to the company. He will then be in a position to ascertain the condition of the trade in the quarter spoken of and what steps are necessary to be taken to suppress smuggling.

I would therefore recommend that the collector of Alaska be authorized to appoint an additional deputy collector and inspector, whose duty shall be to repress the alleged traffic under such instructions as the Department may see fit to give.

The propriety of admitting to entry upon the spot such dutiable merchandise is also presented for the consideration of the Department.

The compensation of such officer is reasonably worth the sum of $4 per diem. The service will be attended with a certain amount of risk and hardship.

I am authorized by the directors of the company alluded to to state that the presence of the inspector on board their ship will be agreeable to them and that no cost therefor will be charged to the United States.

As the collector of the district of Alaska is now in Washington, I respectfully suggest this communication be referred to him for his opinion.

I am, respectfully, your obedient servant,

WM. GOUVERNEUR MORRIS,
Special Agent.

Hon. JOHN SHERMAN,
Secretary of the Treasury, Washington, D. C.

CUSTOM-HOUSE, SITKA, ALASKA,
Collector's Office, March 27, 1880.

Hon. JOHN SHERMAN,
Secretary of the Treasury.

SIR: In reference to the communication of Special Agent William G. Morris, of date March 12, 1880, relative to certain apprehended efforts of smugglers from British Columbia, and suggesting authority for the employment of an additional deputy collector and inspector for this district, I have respectfully to say:

1. That I have very little doubt, from information I also have received, that the smuggling operations referred to have been going on for some time and will continue to be prosecuted unless some steps are taken to stop them.

2. That, as the opportunity seems to be now presented, by the placing of a steamer upon the waters to intercept the trade which has supported these operations, at the cost only of the employment of the additional officer suggested, during the trading season, I regard the proposed arrangement as an advisable one. But, if I understand Mr. Morris, in his suggestion at the close of page 3 of his letter, I desire it to be understood that I do not advise that any British or other foreign goods found in the Alaskan waters, in canoes, being transported

to meet the trade spoken of, or not properly cleared upon manifests, be allowed to be landed and held upon payment of duties. All such goods so found will be intended for an entirely contraband trade and entitled to no redemption from absolute forfeiture.

Respectfully,

M. D. BALL, *Collector.*

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, April 2, 1880.

COLLECTOR OF CUSTOMS,
Sitka, Alaska.

SIR: In view of the recommendations contained in your letter of the 27th ultimo, and that of Special Treasury Agent William G. Morris of the 12th ultimo, you are hereby authorized to submit the nomination of a suitable person for appointment as inspector of customs for temporary duty in your district for a period not to exceed six months, with compensation at the rate of $3 per diem.

I am, respectfully,

H. F. FRENCH, *Acting Secretary.*

The following copy of Department letter of April 7, 1880, to the collector at Sitka, published in the Synopsis of Decisions of the Department, relates to and authorizes the entry of foreign vessels and the collection of duties at Wrangel, on Wrangel Island, and Tongass, formerly Fort Tongass, on Tongass Island, Alaska, but prohibited unlading in Chilcat country.

ALASKA—PORTS OF ENTRY AND DELIVERY.

TREASURY DEPARTMENT, *April 7, 1880.*

SIR: The Department is in receipt of a letter of the 10th ultimo from Special Agent W. G. Morris, in which he refers to an anticipated mining excitement and movement to the Chilcat country in Alaska, and asks, in the event of such movement, whether British vessels will be allowed to enter at Wrangel Island and then proceed to the Chilcat country and unlade and, returning with passengers and treasure, to clear from Wrangel Island.

Section 2770, Revised Statutes, provides that all vessels from foreign ports must enter at a port of entry, and section 2771, Revised Statutes, provides that foreign vessels can unlade only at ports of entry.

Sitka is the only port of entry in your district, but the Department, by virtue of the act of July 27, 1868, empowered the deputy collector stationed at Tongass, under date of February 9, 1869, and the deputy collector stationed at Wrangel Island, under date of February 16, 1869, to enter and clear vessels from foreign ports and to receive duties.

Under these circumstances it is evident that while vessels from a foreign port may enter and clear at Wrangel Island, they can not proceed to the Chilcat country to unlade.

Very respectfully,

H. F. FRENCH,
Assistant Secretary.

COLLECTOR OF CUSTOMS, *Sitka, Alaska.*

The following Department letters of January 1 and February 19, 1881, to the collector at Sitka, and the latter's reports of November 5, 1881, and August 9, 1882, relate to the employment of an inspector of customs for duty at Harrisburg, now Juneau.

CUSTOM-HOUSE, SITKA, ALASKA,
Collector's Office, January 1, 1881.

Hon. JOHN SHERMAN,
Secretary of the Treasury.

SIR: In view of the fact that remarkably rich discoveries have recently been made in gold-bearing quartz in the Takoo country north of this place, and the certainty that there will be a large trade with the settlement of "Harrisburg." now rapidly growing up in that region, I strongly recommend that authority be given me to send a special inspector to that place when business opens there, and that the appointment of Thomas A. Willson, who is a most competent and trustworthy official, may be continued till such time as I may see that his services are no longer required.

The steamer *California* has large orders for goods for the settlement mentioned, to be filled on her March trip hither, and she will then start regular trips to Harrisburg. We hear also of schooners fitting out at San Francisco, and of other vessels preparing for that trade. The place is also near the seal and other fishing grounds which have been habitually depredated on by the British Columbia traders and Indians.

I believe that an inspector will be needed at the location mentioned, and if it shall be determined to abolish one of the deputy collectorships at Wrangel and give me authority to appoint or recommend a special inspector for the busy season there the matter could be so arranged as that both these places could be attended to by the same individual.

Very respectfully,

M. D. BALL, *Collector.*

WASHINGTON, *February 19, 1881.*

COLLECTOR OF CUSTOMS,
Sitka, Alaska.

SIR: The nomination of Thomas A. Wilson to be inspector of customs for temporary duty in the mining regions of your district, with compensation at the rate of $3 per diem, submitted in your letter of the 12th ultimo, is hereby approved, the appointment to take effect from date of oath.

As recommended by you, Mr. Wilson will also perform the duties of inspector at Wrangel during the busy season, not to exceed four months, as authorized by Department letter of January 2, 1881, and the authority to nominate an inspector for that purpose is hereby revoked.

Very respectfully,

JOHN SHERMAN,
Secretary.

The following two reports of July 12, 1890, from the collector at Sitka, and Department's letter of August 12, 1890, to that officer, relate to the employment of an inspector of customs, without compensation, for duty at Chilcat, to prevent smuggling.

CUSTOM-HOUSE, SITKA, ALASKA,
Collector's Office, July 12, 1890.

Hon. WILLIAM WINDOM,
Secretary of the Treasury, Washington, D. C.

SIR: Continued complaints are being made concerning the importation and distribution by Indians from Port Simpson of British goods at Chilcat and Chilcoot. On my recent official tour of inspection I arrived at Chilcat just after a party of Tseinpsean (British Columbia) Indians had closed out their stock of blankets, woolen goods, gunpowder, etc., sold their canoe, and departed home to Victoria via the regular mail steamers.

At Victoria, with the furs and funds obtained, they will lay in a stock of Hudson Bay Company's goods, shipping some per steamers of that company to Port Simpson, when new canoes are loaded and presumably another incursion will be made to Alaskan points.

The entire archipelago of southeast Alaska is visited by them and their presence, owing to the cheapness of their goods, is concealed by the natives among whom they traffic.

It is therefore quite difficult to intercept or capture them. In fact, they have been known to come openly into the larger settlements, mingle and lose their identity among the local natives, distribute their goods from places of concealment near by, and not make their presence known until the same was indicated by the drunken debauch which usually follows their departure, for not until the last moment do they barter the stock of whisky, for which the Alaskan native reserves his best furs.

The best directed and intentioned efforts on the part of my deputy at Juneau, 80 miles distant [see map herewith], has not resulted in the capture of any of these slippery rascals (they are commonly known as "educated Simaches," the more dangerous because of their superior knowledge); hence I have deemed it advisable to nominate a suitable person, as per letter of nomination herewith, to serve as inspector of customs, without pay, until further advices may be had from the Department, it being understood that the shares of informer and seizing officer accruing from the proceeds of sale of any goods captured and forfeited should go to him in lieu of other compensation.

An examination of the map herewith will no doubt convince the Department that the difficulties surrounding the force of customs officials in guarding the immense ramifications and intricacies of the interior channels of southeast Alaska are almost insurmountable, and I once more call the attention of the Department to the urgent necessity which exists for the establishment of the customs station at Mary Island, near the boundary line, from which base a good steam launch can guard and effectually control the various entrances to this portion of the district.

Very respectfully,

MAX PRADT,
Collector of Customs.

CUSTOM-HOUSE, SITKA, ALASKA,
Collector's Office, July 12, 1890.

HON. WILLIAM WINDOM,
Secretary of the Treasury, Washington, D. C.

SIR: I have the honor to transmit herewith the nomination of Mr. J. J. Healy, to serve as inspector of customs at Chilcat, Alaska, to serve without pay, except such compensation as may be awarded from the sale of contraband goods captured by him, forfeited, and sold according to law.

Very respectfully, MAX PRADT, *Collector.*

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, August 19, 1890.

COLLECTOR OF CUSTOMS,
Sitka, Alaska.

SIR: As recommended in your letter of the 12th ultimo, you are hereby authorized to employ, from date of oath, J. J. Healy as inspector of customs at Chilcat, Alaska, without compensation.

Respectfully, yours,

O. L. SPAULDING,
Acting Secretary.

The following is a letter dated October 23, 1891, from John J. Healy, inspector so appointed for the Chilcat country, to the governor of Alaska, and relates to the boundary line in that section:

DISTRICT OF ALASKA,
UNITED STATES MARSHAL'S OFFICE,
Chilkat, Alaska, October 23, 1891.

HON. LYMAN E. KNAPP,
Governor of Alaska, Sitka, Alaska.

DEAR SIR: As a citizen of this place I wish to call your attention to the condition of the natives inhabiting this portion of the territory. The resident native population of Chilkat and Chilkoot number about 800. They are confined to a narrow strip of country extending from Point Sherman in Lynn Canal, to the boundary line, about 10 miles northwest of Klaw-Kwan, the upper Chilkat village. They are dependent for support on the salmon, which run in these waters from June until October. In former years they had a large trade with the Tana-nah Indians of the interior—Indians belonging to the British northwest territories. This trade is rapidly falling away in consequence of a trading port being established at the mouth of Pelly River, a tributary of the Yukon. The loss of this trade has been balanced by the market they have had for salmon sold the canneries here for four years.

The action of the cannery men this year alarms them, and they are commencing to realize that it will be but a short time before their means of support is taken from them. They object to fishermen entering their river with nets, as they stop the run of salmon by the present system of fishing, viz, fishing night and day, Sundays included.

Six miles below the head of tidewater the flats go dry at low water, and when the tide floods fishermen sail to the head, cast their nets, and drift with the ebb, getting off the flats only at low water—at the time when salmon can not enter the river. When the tide floods again the same process is repeated. By this means but very few fish can enter the river when the weather is favorable. The Chilkat and Chilkoot Indians have requested me to make known their wants to the Government. They want a fishing reservation set aside for them by the Government. They claim to be the first settlers in this country and that they never ceded any portion of their country to anyone nor never received any of the money the United States paid Russia. They say that when their fishing grounds won't support them they can not leave them for other countries like the whites can; that they have to live here and are here.

They beg that something may be done to save them before it is too late. They can support themselves now without the aid of the Government and can always do so, providing the Government will give them the small reservation they ask, which don't exceed 35 miles in extent. They are not asking for any portion of their reservation to be in deep water. They want the southeastern line drawn across the channel on the Chilkat Flats, which is entirely unnavigable at low water even for a canoe. If the present system of fishing is permitted next year, it will be difficult to keep these natives from taking up arms against the Government. I am in a position to know their feelings on the subject, and while I know them to be kindly disposed, if let alone, I believe that should they be forced to protect their food supply by force of arms, it will be an expensive and unfortunate war for southeastern Alaska, as it may mean a war with the entire Klinkit Nation. They have another cause of complaint, and can not understand why the Government does not protect them and remove the cause. They complain of intoxicating liquors being permitted to be sold them at the different stores here. Lemon extract, Florida water, whisky, and other liquors are sold to them in quantities, and many of their people get killed from the effects of drinking.

They are very quarrelsome when drunk, and all their sprees end with some cutting scrape. The Indian policemen are unable to cope with the evil. Sometimes the entire settlement is in a drunken uproar, and if this state of affairs be permitted much longer the able-bodied men and women will soon be killed off. The Indians have asked me to stop the sale of lemon extract, etc., but I am unable to accomplish anything but arrest where some crime is committed in my presence, as these people will not lodge a complaint against one of themselves, knowing that by so doing they lose all chance of getting paid for injury done them. There should be some means here of enforcing law and order. A prison of some kind is needed here. The Indians ask for one. They need it to put a troublesome subject in, and with a few marines stationed here during winter months, we would feel comparatively safe. You know the importance of this place as a fishing station, and it would be deplorable to have the entire plants of these cannery men destroyed by the acts of a few drunken Indians.

Hoping that you will be able to render the aid so much desired, I remain,

Truly, yours, JNO. J. HEALY.

The following from the collector of customs at Sitka, dated February 23, and the reply of the Department, March 8, 1894, relate to the appointment of two temporary inspectors for duty at Chilcat and their operations.

OFFICE OF THE COLLECTOR OF CUSTOMS,
Port of Sitka, Alaska, February 23, 1894.

THE SECRETARY OF THE TREASURY,
Washington, D. C.

SIR: During the coming month a large number of miners will go into the Yukon, and I received private information that they intend to pack considerable liquor with them, which must have been smuggled from British Columbia. Their starting point is Chilkat, and with a view of seizing the liquor, which they have no doubt hidden there, I have chartered a small sloop and put one of my inspectors in charge, and I have also sworn in two temporary inspectors for this work. I am in hopes of being able to do much toward preventing this continual violation of the liquor law. I therefore respectfully request the approval of James S. Slater and Severen Steffensen as temporary inspectors not to exceed thirty days at a compensation of $3 per day.

Very respectfully,

BENJAMIN P. MOORE, *Collector.*

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, March 8, 1894.

COLLECTOR OF CUSTOMS,
Sitka, Alaska.

SIR: As recommended in your letter of the 23d ultimo, the employment, from date of oath, of the following-named persons as temporary inspectors for a period not to exceed thirty days each, with compensation at the rate of $3 per diem each, is hereby approved: James S. Slater, Severen Steffensen.

Respectfully, yours,

W. E. CURTIS,
Acting Secretary.

The following, dated March 29, 1895, from the collector at Sitka, and Department letter of April 12, 1895, to that officer, relate to the appointment of an inspector for duty in suppressing smuggling at Dyea and Sheep Camp.

OFFICE OF THE COLLECTOR OF CUSTOMS,
Port of Sitka, Alaska, March 29, 1895.

THE SECRETARY OF THE TREASURY,
Washington, D. C.

SIR: I have the honor to nominate William C. Watts temporary inspector of customs for the purpose of assisting the regular inspector in hunting for smuggled liquor supposed to have been cached between Dyea and Sheep Camp en route to the Yukon.

I therefore ask the approval of this nomination, not to exceed ten days at a compensation of $3 per diem.

This appointment is separate and apart from my request in letter to you of March 2.

Very respectfully,

BENJAMIN P. MOORE, *Collector.*

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, April 12, 1895.

COLLECTOR OF CUSTOMS,
Sitka, Alaska.

SIR: As recommended in your letter of the 29th ultimo, the employment, from date of oath, of William C. Watts as inspector, at the rate of $3 per diem, is hereby approved.

Respectfully, yours,

C. S. HAMLIN,
Acting Secretary.

Newspaper clipping.

SATURDAY, *April 13, 1895.*

ALERT CUSTOMS OFFICERS—SMUGGLED LIQUOR—FOUND CACHED IN THE SNOW ON THE SUMMIT OF THE DIVIDE, 16 MILES FROM SHORE.

Collector Benjamin P. Moore keeps the revenue cutter *Corwin* dashing through the water at a lively rate. He realizes the need of rapid movements, for no other customs officer in the world has such an extensive coast to guard.

Last week he sent the *Corwin* to Dyea Inlet with Deputy Collector I. M. Hofstad, Inspector Paul Kegstad, and Deputy Marshal Watts aboard.

This trio of shrewd officials were put ashore at Dyea and at once took the trip to Sheep Camp, where they found Ex-Deputy Marshal Edwards, who shared his tent with them for a couple of nights. They climbed up to the summit of the divide in the face of a blinding snowstorm, and here, after prodding around in the deep snow for several hours, they then found 200 gallons of liquor, supposed to be the tail end of an enormous stock sent on a short time previous. The next query was what to do with the liquor. They tried to negotiate with the Indians to pack it to the ship, but they refused to touch it at any price unless the officials would first pack it themselves down to Sheep Camp, and from there they would take it to the Dyea for $10 per keg. As this was too much of an exaction, they preserved some samples in bottles and spilled the balance in the snow by chopping into the kegs with an ax.

Very few of Uncle Sam's officials would be able to follow smuggled goods 16 miles inland and discover its hiding place in the snow, and having accomplished this unexpected feat they deserve great credit for their faithful and persistent shrewdness.

Extracts from report of William Gouverneur Morris, special Treasury agent, Alaska, to the Secretary of the Treasury, dated December 7, 1881.

At Pyramid Harbor, Chilcat Inlet, the Northwest Trading Company and Kinney Brothers, of Astoria, have erected, respectively, two first-class canneries, and their first season's work has been satisfactory.

At Cape Fox, near the Portland Canal, on the boundary line, near 54° 40′ of north latitude, some young experienced fishermen from the

Columbia River in Oregon have just concluded their first season's work from a salmon cannery erected this year, and are quite sanguine that they have acquired a very valuable property.

At Naha Bay, near Tongass Narrows, another company has located and begun the construction of buildings, salting fish, etc., and all reports show there are plenty of salmon to be had.

Several new sites have been chosen, and parties in San Francisco are organizing other companies to begin operations next year.

* * * * * * *

THE CRUISE OF THE FAVORITE.

Upon reaching Sitka, in August last, I heard rumors of impending trouble in the northern part of the archipelago, but having no vessel to proceed there I was at a loss what to do, when I received the following letter from the commander of the *Jamestown:*

U. S. S. JAMESTOWN, *Sitka, August 10, 1880.*

Maj. WM. GOUVERNEUR MORRIS,
Special Agent, Treasury Department.

SIR: I have received from various sources information upon which I rely, which indicates that unless some steps are taken by the Government to prevent, serious trouble between the Alaska Indians and Hoonah and the British Columbia Indians from Fort Simpson is liable to occur, a large number of the latter Indians being at the latest dates actively engaged in killing with rifles the sea otter and fur seal on the hunting grounds of the Hoonahs.

By letters received by me from miners and the owners of the steamer *Favorite*, I am requested by the chiefs of the Hooniahs to either take steps to drive off these strange Indians or give them permission so to do.

I have also received information that complications are arising in the Chilcat country through the acts of two United States citizens named ——— and ———, who have followed in the wake of the pioneer party to whom I furnished escort, and are by the Indians confounded with said party, and as such are held to be guilty of violating the pledge given by the mining party to refrain from trading with the Indians of the interior.

The Chilcat chief, Hole in the Face, and others send to me for advice and express anxiety lest the men may be killed.

Under these circumstances I should be very glad to cooperate with you in any steps it might be, in your judgment, advisable to take toward suppressing these growing troubles.

I think it a wise policy to recognize and encourage these Indians in thus submitting their wrongs to the Government, and that a ceremonial visit from ourselves in person, accompanied by an armed force, will produce excellent effects.

If you feel justified in furnishing a steam vessel, I will undertake to arm, man, and provision her for such a trip.

I inclose letters bearing upon the subject.

Respectfully,

L. A. BEARDSLEE,
Commander, U. S. Navy.

It became evident to me that unless something was speedily done there was great danger of an armed collision between the Hooniahs and Fort Simpson Indians, the end of which no one could foresee. The *Jamestown*, being a sailing vessel, was of no use for the service required. There was no revenue cutter or United States steamer of any kind on the station, and the only vessel available was the steamer *Favorite*, belonging to the Northwest Trading Company.

Finding from the managers that she could be chartered for a reasonable sum, the terms were soon agreed upon. I took the responsi-

bility of securing the vessel, and accordingly wrote Commander Beardslee the following letter:

OFFICE SPECIAL AGENT OF THE TREASURY DEPARTMENT,
Sitka, Alaska, August 11, 1880.

CAPTAIN: In reply to your communication of yesterday informing me of the presence of certain canoes manned by Indians from British Columbia in the waters adjacent to this port, engaged in the unlawful killing of the sea otter, in contravention with section 1956 of the Revised Statutes of the United States, I have the honor to say:

Thanking you very much for the information conveyed, and more particularly for your kind offer of assistance in the premises, it will afford me pleasure to take such steps as may be available for the purpose of putting a stop to these illegal expeditions.

Accordingly I have made arrangements with the managers of the Northwest Trading Company for the use of their steamer, the *Favorite*, at a certain per-diem compensation.

It will certainly be necessary to have an armed force on the vessel, not only for my own protection, but for the purpose of intimidating these Indians from a recurrence of these practices. A visit also from yourself personally would have a very healthy effect in preserving order throughout the archipelago.

I have, therefore, the honor to request that you may be able to accompany me, with a portion of your command, at an early date, to Cross Sound and the Chilcat country.

All details incident to the voyage, armament of the steamer, force, subsistence, etc., can be arranged between us personally.

I am, respectfully, your obedient servant,

WM. GOUVERNEUR MORRIS,
Special Agent.

Commander L. A. BEARDSLEE, U. S. Navy,
Commanding U. S. S. Jamestown, Harbor of Sitka, Alaska.

As the mail steamer was bound south no time was lost in communicating the situation of affairs to Colonel Powell, the Indian commissioner of British Columbia, as will appear from the following letter:

OFFICE SPECIAL AGENT, TREASURY DEPARTMENT,
Sitka, Alaska, August 11, 1880.

COLONEL: A report has been officially made to the commander of the U. S. S. *Jamestown*, now in this port, that there are now in Alaskan waters, in the vicinity of Cross Sound, three canoes manned by Indians from Fort Simpson, British Columbia, who are unlawfully engaged in killing the sea otter, in contravention of section 1956 of the Revised Statutes of the United States.

I shall, as soon as practicable, repair to the alleged scene of action with an armed force upon the Northwest Trading Company's steamer *Favorite*, which I shall charter for this purpose.

I wish very much you could be here so that we could make a joint expedition. I dislike to resort to extreme measures in a case of this kind, whereas if you were on the spot a word from you in condemnation of such unlawful proceedings would probably tend to a discontinuance in the future.

Owing to this I shall not be at Wrangell to go up the Stikine River until the steamer *California* makes her return trip there in September, say about the 12th of the month.

I think the interest of the two nations would be very much promoted by your presence in these waters at the present time, and would therefore suggest to you, if compatible with the interests of your public service, that you get here without delay, in such naval vessel of your Government as may be placed at your disposal.

After surveying matters in this quarter we can proceed together to Wrangell, and ascend the Stikine and look into the fishery question.

I am, respectfully, your obedient servant,

WM. GOUVERNEUR MORRIS,
Special Agent.

Col. I. W. POWELL,
Indian Superintendent, Victoria, British Columbia.

The steamer was coaled, watered, and transformed into a miniature gunboat. A Gatling gun was mounted aft and a brass Dahlgren 12-pounder rifle howitzer forward. The commander of the *Jamestown*, Master G. C. Hanus, and P. A. Surg. Nelson M. B. Ferabee were the complement of officers of the expedition. An additional engineer, pilot, interpreter, and 10 well-armed bluejackets completed the outfit. Additional boats were also shipped, the vessel put in regular fighting trim, and on the 14th day of August we left Sitka and steamed for Peril Straits, one of the most dangerous passages of the inland waters, yet unsurveyed by the United States.

Mr. Hanus was the hydrographer for the cruise. The manner in which he performed his duties will be found explained under remarks entitled "Coast survey."

Commander Beardslee represented the military portion of the command, while the writer did the civil functions as an officer of the Treasury Department.

The first tribe visited were the Kootznoos, dwelling on Admiralty Island, numbering about 800. Some time before our visit a portion of this tribe had been engaged in a fight with the Stikenes at Wrangell Island, where several were killed and wounded on both sides. Our object was to inquire into the matter, which we did, and the result determined was that the origin of this bloody feud was occasioned by the indiscreet zeal of a missionary at Wrangell Island, the Rev. Dr. Corliss, of the Baptist persuasion, who took upon himself the destruction of hoochenoo stills in the Indian village. Had he alone, aided by the white residents, undertaken the destruction of these stills, it is more than likely the Indians would have offered no resistance, but this gentleman, undertaking to wipe out the evil at one fell swoop, employed Stikine Indians, the hereditary enemies of the Kootznoos, to effect that purpose, and, as a natural result, as soon as the Stikines made their appearance in the camp of the former hostilities began and came near resulting in very serious consequences. Actual bloodshed was the result, and several were killed and wounded on both sides in a fight which occurred subsequently. Toyatt, a Stikine chief, well known as a church Indian, was, unfortunately, killed. This loss is much felt and lamented by the Presbyterian missionaries, as he was a most excellent man and one of the most intelligent and devout of the conversions made by Mrs. McFarland.

This ill-timed action of Dr. Corliss only goes to show how careful one must be in dealing with the Indian character. It requires years of care, judgment, and thoughtful study to comprehend these untutored men, and, while I would not intentionally or unintentionally do this reverend gentleman an injustice, I am unwillingly compelled to say that he acted without due reflection and in the most inconsiderate manner. While missionaries are endeavoring to educate and regenerate the Indian race of Alaska, I must freely admit that their calling most certainly is and only can be to preach the gospel and educate the rising generation. The destruction of stills for the manufacture of spirituous liquors does not belong to the clergy, but is the peculiar province of the military arm of the Government.

The *Jamestown* was at Sitka, and Captain Beardslee was always ready to sustain the law. Dr. Corliss should have applied to him. If the exigency of the case prevented such application, then for the time the offense should have been passed over. I can imagine no state of

facts which will authorize a clergyman to smash hoochenoo stills ad libitum and travel around his bailiwick with a double-barreled shotgun on his shoulder.

The result of the course pursued by Dr. Corliss was that Captain Beardslee was compelled to dispatch an armed party from his ship to Wrangell with a Gatling gun, under the command of Charles Stewart, the gunner, in order to prevent a general war between the Kootnoozs and Stikines and preserve the peace generally at that port.

The Kootnoozs were given to understand that their mode of redressing hostilities must hereafter cease, and if they had any complaint it must be referred to the proper authorities.

The village of this tribe was noted for its cleanly appearance, the number and condition of its houses, which were better constructed than the usual Indian wigwams.

In Kotseok Harbor, on the west side of Admiralty Island, the Northwest Trading Company have erected a post. Here we sent for "Saginaw Jake" to accompany us on a portion of our trip north as an extra interpreter, he belonging to this tribe and being friendly disposed toward the whites. At this point we obtained the first information since our departure of the Fort Simpson expedition.

We next proceeded to Port Frederick Harbor, as laid down in Meade's chart, but called in the Indian tongue "Komtokkon."

It is the principal village of the Hoonah tribe, which is large, warlike, and powerful, estimated at some 800 in number. This tribe own the sea-otter grounds upon which the British Indians infringed, and were ready for war when we reached there. A pencil sketch of the above-named village will be here observed.

Their villages, fishing and hunting grounds, are scattered all through Cross Sound, and once aroused they could do a great deal of mischief. The head chief being absent, after remaining here a sufficient length of time we proceeded in quest of him, and found him at last at a village situate on Tchsish Island. This latter not being named on the chart we called it Sherman Island, in honor of the late esteemed Secretary of the Treasury, and it will hereafter be so known in future charts, unless the Coast Survey should see fit to rechristen it.

The audience with this chief, Kahhoodoosak, and magnates was held in the cabin of the *Favorite* and was intensely instructive and interesting. An idea of it can be gathered from a drawing here inserted. The officers, including myself, were all resplendent in uniforms, gold lace, and buttons, with our swords either lying on the table or hooked up at the side.

This old chieftain spoke in slow and measured language and at times was really eloquent. I can not say when I have been more impressed with the innate power contained in a savage breast than on this occasion. He it was who had caused the letter to be written to Captain Beardslee informing him of the sea-otter raid, and who alone by the force of his own mighty will had prevented his tribe from murdering every King George Indian on the spot.

He dwelt at length upon the importance and gravity of the situation, and concluded by thanking Captain Beardslee for his visit and assuring him of his everlasting friendship and that of his tribe for the Boston white man.

Captain Beardslee delivered a very sensible and well-digested speech, in which he informed them why his ship had been sent to the waters

of Alaska, what the Great Father at Washington expected of the Indians, how they should behave, and the manner in which they would be punished if they failed to heed his advice and warning, which he had come so long a distance in person to give. He commended the chief for writing him the letter and not permitting his young men to engage in reprisals and go upon the warpath. It produced a very good effect, and then another actor appeared upon the scene. As the chief inclined his head toward the undersigned at a signal from Beardslee, a presentation was made in due form, and I was announced with quite a flourish of trumpets as the great Hy As Tyhee, the big peace commissioner from the Great Father at Washington, a tyhee superior in rank to Beardslee, who had come to talk peace and trade to himself and people. A mighty "Ah!" was swelled forth from his cavernous chest, and, looking me straight in the eye, gurgled a string of words, which the interpreter simply translated "Go ahead."

Rank is everything with these Indians, and the more important the personage and the more gold lace exhibited so much the greater do they fear and respect the individual. They look upon the captain of a man-of-war with far more fear than they do the vengeance of the Supreme Being.

It took some time to bring his mind to thoroughly follow and understand the different phases of the customs revenue which were presented to him, but I believe the interview will result favorably in this respect, for I impressed upon him the necessity which existed for his point blank directing his whole tribe to have no personal or commercial relations whatever with the Fort Simpson Indians; to utterly ignore them. Care was taken to explain everything to him necessary for him to know, and to impress upon him that if hereafter they traded for British goods that when next I came along in a gunboat I would seize every article of foreign merchandise that could be found and confiscate it. They fully comprehended the situation before the powwow was concluded. We here learned that the smuggling expedition had returned to Fort Simpson with only one sea otter. As the canoes took an inside passage, we did not see them. We learned, however, that they were the avant courier of a large fleet, some 60 in number, expected up in October, 1880.

I went at length into the clandestine liquor trade carried on with British Columbia, and the manufacture of hoochenoo, and dwelt upon the violation of law in the former and the enormity of the latter.

The first part of the proposition was conceded, and promises to buy no more Hudson Bay rum or whisky were freely made; but the truth compels me to say my attack upon hoochenoo did not achieve the brilliant effect expected. However, the lesson was taught and good fruits are confidently looked for.

The school question was prominently brought forward, and it was really touching to see these stalwart men begging that the white man would send some gospel man to teach their children to read and write. I have never seen any Indians anywhere so greedy for education as those along the shores of Alaska.

After this we proceeded to explore Glacier Bay, a name given by ourselves to a large sheet of water charted by Commander Meade as dry land. There are a large number of Indians living there in proximity to the sea-otter grounds, and we desired to hold a wa-wa with them but the navigation becoming more and more perilous and fog

coming up decided Captain Vanderbilt not to risk his insurance by making any further effort, and we about ship and ran for a former anchorage.

Our visit to the Chilcat country was rife with interest and productive of important results. We made our principal rendezvous at Portage Bay, where the Northwestern Trading Company have erected a very important post and where the Chilcats and Chilcoots will hereafter build the principal village of each tribe. One tribe will be on the right and one on the left of the trading post and mission buildings. The Indians will come from the interior villages and hereafter live close to the salt water. The situation is an eligible one and the Indians will be far better off. The location is better suited for the United States, for we can handle them with so little trouble alongside the water, whereas were they on the Chilcat River it would be exceedingly difficult to get at them at all. This change of base or location can in a great measure be attributed to the influence of our visit.

We found on our arrival a new house well constructed in charge of the company's agent, Dickenson, who is married to a full-blood Indian woman of the Tongas tribe. The latter is a very intelligent person, having been educated at Victoria, Vancouver Island. She speaks English both correctly and fluently and writes a very fair letter. She acts as interpretress for the two tribes and the trading post, and withal is a sound Christian woman, a missionary teacher, and of excellent reputation.

She has organized a school of her own, but owing to the distance of the villages but few of the children can attend. The company have offered to build a schoolhouse gratis, which, with a chapel there to be erected by the missionaries, will convert this desert place into one of the most thriving Indian villages on Cross Sound and important trading posts in the whole archipelago.[a]

This is a very shining example of what civilization and teaching will accomplish. One year since and there was not the most remote sign of a settlement or living thing at Portage Bay; now everything is changed. It is actually to be the headquarters of the two powerful chiefs of their respective tribes.

Here the Presbyterian mission is situated and thriving, and the commercial advantages to be reaped are quite extensive.

We happened in at a very opportune time, for war was raging between the Chilcats and Chilcoots. We very much desired to see Klotz Klotz, the well-known chief of the Chilcats, but he was blockaded in his principal village. This man has heretofore been very intractable and not well disposed toward the whites. Captain Howard, of the Revenue Marine, thus speaks of a visit made by him to his royal highness in 1867:

> At 1.30 five large war canoes came alongside, one with the Hudson Bay Company's flag flying, and Jack, pilot and interpreter, in full uniform of an English officer, came on board. The head chief soon arrived with his wife (daughter of the great chief of the Stikines) and were received in the cabin, where I had a long "talk" with him. He is a very quarrelsome Indian and tries one's patience exceedingly. Whisky not being given him he was much incensed and said: "If I had no presents, coats, trousers, and shirts, why come? Talk without whisky was nothing; s'pose plenty whisky and presents, then talk good."

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[a] Since my visit to this locality in September, 1880, the Rev. Sheldon Jackson, D. D., has been there and located permanently a mission and erected the necessary buildings. The Rev. E. S. Willard and wife have been assigned to that post.

I was well aware of the character of this chief, and knew it was necessary to secure his good opinion and friendship for the Bostons (Americans), otherwise it would be unsafe for any small trader with the flag of the United States to go there.

I felt exceedingly the want of presents for such occasions. I have not, however, asked the Department for any, nor the power to purchase. Whisky I had, but would not give him any, knowing it was the intention of the Department to prohibit all traffic in it.

After an hour's talk he was convinced the ship was not a trader, but the great American (Boston) chief sent to talk with him; that presents would be made him, provided he was true to the new flag; also being assured that traders would come at the proper seasons. Presenting him with a handsome and new overcoat—lined with red broadcloth and fully trimmed with braid—tobacco, molasses, and biscuit, an American flag and staff, which was fitted in the bow of his canoe, he departed much better disposed than I had anticipated. Several minor chiefs and friends of his (Chatoquit) were made suitable presents, and all departed at sunset kindly disposed toward their new rulers.

It will be perceived that Captain Howard speaks of this man as "Chasquit." He is the same individual and at our grand talk wore the identical overcoat presented him by the former some thirteen years since, somewhat the worse for wear, however, but in a tolerable state of preservation.

The first authentic intelligence we had of the battle raging was obtained from Mrs. Dickenson, and was the same night supplemented by the arrival in a canoe from the seat of war of Piérre Errissard, a French voyageur.

The recital of the event was graphic in the extreme. Given us on the deck of the steamer in the clear, almost Arctic, moonlight by Piérre himself—a handsome, stalwart, Titan-like man, arrayed in a gorgeous red shirt, flowing sash, and parti-colored costume glittering with weapons—it brought to mind a scene once witnessed in the Ionian Archipelago.

This splendid animal, half pirate, half brigand, as he proceeded in his pantomime with great gusto, was the most exhilarating and refreshing episode of the whole cruise. He fought, bled, laughed, and danced, each movement replete with action, grace, and beauty, until we were forced to admit that Piérre as a raconteur was par excellence, and, according to his own exploits in the war, a hero of no mean proportions.

We became more impressed of the greater necessity for caution and diligence and of the fortunate event which had taken us there. On that afternoon we had sent an Indian messenger to Klotz Klotz in a canoe, likewise another to the chief of the Chilcats, requesting their presence at a joint conference.

The Chilcoots, or at least a portion of those under the leadership of Danawah, a chief of the lower village, were on a tremendous hoochenoo drunk at a point about 12 miles from where we were anchored.

The next day had almost passed and the sun well down in the horizon when, no Indians appearing, we came to the conclusion that the chiefs intended to disregard our visit and that Mohammed must go to the mountain. This alternative, for many reasons unnecessary to mention, was not agreeably entertained. Just as the orb of day was sinking below the horizon I observed the stalwart form of Klotz Klotz stalking along the beach. Beardslee relates his interview with him, which will be found elsewhere.

The next day there hove in sight a fleet of canoes, with flags flying, drums beating, crews singing, colors streaming in the air, and paddles being plied vigorously, approaching in line. Then, and not until then,

did Beardslee and myself give a breath of relief. Our authority had not been set at defiance and the "Wa Wa" would come off.

In the day following each party approached the steamer from their own standpoint, and the cabin was arranged as before for the interview. Pretty much the same proceedings were had, only each of the parties had on a little more war paint, the Indians being highly feathered and dressed in gaudy costumes, one chief being arrayed in the full undress uniform of a post captain in the English navy. We added epaulets to our former rig, but the artist seems to have omitted them in the picture.

The proceedings lasted several hours and were quite monotonous, but they finally eventuated in Klotz Klotz potlaching—paying tribute—for the man he had slain, and peace was declared, the chiefs shook hands, and order reigned in Warsaw.

Beardslee describes this at length, so no more space will be given to it than to say the happy conclusion of these differences, as brought about by ourselves, was most opportune and has been a lasting benefit to the whole country.

Klotz Klotz spoke of Mr. Seward's visit to him with great satisfaction, and was the more pleased when we explained that he was the most exalted Tyhee that had ever been in Alaska. He exhibited a letter from Mr. Seward commending him to the attention of all public officials. One of the chiefs bared his arm, and tattooed thereon in large letters was the word "Seward."

The details of the interview were pretty much the same as those which transpired with the Hoonah chief, which renders it unnecessary to describe them. They were particularly pleased at the idea of having a school, and promised all their children should attend.

One feature particularly interested me. These two chiefs are growing old and fear their power is waning. They fear lest the turbulent and ambitious young warriors may dispute their authority and overthrow them, hence Klotz Klotz asked Commander Beardslee if he would not send a man-of-war there to aid him in keeping the most rebellious in order and appoint Indian policemen like those *Jamestown* police at Sitka. Commander Beardslee promised him that a gunboat should visit them occasionally.

One great trouble which we have experienced heretofore in dealing with the Chilcats has been their proximity to the boundary line of British Columbia. Their numbers have also been greatly overestimated.

Lieutenant Symonds, U. S. Navy, of the *Jamestown*, recently made a reconnoissance of the Chilcat and Chilcoot rivers, and has sent me a chart, which is included in the remarks upon the "coast survey."

He says there are but 889 Indians in the whole Chilcat tribe, and not from 2,000 to 4,000, as previously supposed and claimed by them. He took the census carefully by personally visiting each house, so that no mistake might occur. Of this number, 558 reside in the large ranch called Kluk-quan. (See map.)

There are no quicksands in the river or at its mouth, as previously reported, a most careful examination having been made to demonstrate these facts. The Chilcoots reside on the Deyea River, in eight houses, containing in all 127 Indians.

The Chilcat River is in the channels from 1 to 3 feet in depth and innavigable except for canoes. Its trend is to the west by north, so no question can be raised as to whether it is or it is not in our own ter-

ritory. It was formerly supposed to come from the northward, but the compass of Lieutenant Symonds clearly demonstrated otherwise.

This is very satisfactory to have so accurately determined, for the reason that heretofore a portion of the Chilcat tribe have been supposed to live under British jurisdiction, and as the only method of communicating with them is through our country, Colonel Powell, the Indian commissioner for British Columbia, has frequently told me he wished they were all in our jurisdiction.

This will also interfere with the whisky traders going there and selling smuggled goods from Vancouver Island, telling the Chilcats that they are "King George" Indians and not "Bostons."

Reports of officers of the United States Revenue Marine.[a]

TREASURY DEPARTMENT, *January 5, 1869.*

SIR: In partial reply to the resolution of the Senate of the 15th ultimo, requesting information concerning the Territory of Alaska and the fur interests therein, I have the honor to transmit herewith extracts from the reports of Capt. J. W. White, commanding the revenue steamer *Wayanda*, giving a narrative of the cruise of the past summer in the Alaskan waters.

I am, sir, very respectfully, H. MCCULLOCH,
Secretary of the Treasury.

Hon. B. F. WADE,
President of the Senate.

A CRUISE IN ALASKA.

[From official reports of Capt. J. W. White, commander of the U. S. revenue steamer *Wayanda*.]

On the 13th of May, 1868, I reached Fort Simpson, Hudson Bay Company's post, and proceeded next morning to Fort Tongass, Clement village. On sounding out the passages and anchorage off the fort, found no good harbor except for very small vessels. Visited the Indian village; found them friendly and well disposed; was informed by the chief, "Ibbits," that his tribe numbered about 145, being a portion of the Tongas tribe proper.

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On the 17th proceeded up Clarence Straits through Stachinski Straits to Tchikhakoff Straits, thence up Zimovia Straits to Etholine Bay, and anchored off Fort Wrangell; learned from Captain Smith, U. S. Army, that the Indians were quiet and peaceable; was visited by Shakes, chief of the Stikine tribe, and many of his people. They seemed pleased at having the troops located near them. Took soundings in the passage to Wrangell Channel and made corrections on the chart.

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From this place I proceeded to Chilkaht, where we arrived in the afternoon of the 12th; were visited by the chief and several natives from the lower village. Next day, accompanied by five officers, I visited the village; was well received by the chief, who conducted us through most of the houses. An epidemic of measles had lately visited this people. (This disease we found at Fort Simpson in the spring, and it has since made its way through nearly every tribe up to

[a] For full report see Senate Ex. Doc. No. 8, Fortieth Congress, third session, and Senate Ex. Doc. No. 179, Forty-sixth second session.

this place.) In nearly every house we found some who were yet suffering from its effects. By their request these were examined and prescribed for by the surgeon. These people, though independent in manner, when treated properly will be found well disposed and quite docile. During this season only two small trading vessels have visited this region, and the natives complain that they can not find market for their furs nor obtain goods needed for themselves and for trade with interior Indians. I promised, if possible, on my return to Sitka to induce some trader to visit them with such articles as they required.

On the morning of the 14th, after giving small presents to the chief and headmen, dismissed them, well pleased with our visit; got under way and proceeded down Lynn Canal to Berners Bay, where we stopped a short time to examine the bluff; found numerous quartz veins containing sulphurets of———. (We discovered these occurring in similar formation along the northeast shore of Admiralty Island and on the mainland as far as Tako Harbor, 60 miles southeast of Berners Bay.) Passed on down Lynn Canal and into Stephens Passage, making anchorages near the upper and lower Awke villages. From each of these places sent out parties to examine for coal and minerals, the Indians having reported to me that such existed in this vicinity. We found no traces of coal or the formation in which it occurs toward the south end of Admiralty Island. The mineralogical specimens obtained I forward for examination and identification.

The Awke Indians, though not numerous, are divided into several bands, and are looked upon as dangerous by the traders, yet we found them very friendly and faithful as guides, acting willingly in this capacity for a small consideration. The passage separating Douglas Island from the mainland, and known on the charts as Gastineau Channel, we found only navigable for small boats at high water.

On the 17th proceeded down Stephens Passage with the intention of visiting the Indian village near the head of Tako Inlet, for the purpose of discovering, if possible, the truth in regard to charges of misconduct made against these Indians by a trader who had visited them this season. Arriving at the mouth of the inlet and finding quantities of heavy ice drifting down from glaciers near its head, obstructing and endangering its navigation, I continued on to Tako Harbor, about 10 miles south. While here I was visited by one of the chiefs of the Tako tribe; learned from him that the misunderstanding between his people and the trader arose from the latter's refusing to pay the price for their furs they had been accustomed to receive from the Hudson Bay Company. The Indians forcibly removed from the vessel a portion of the cargo, but subsequently, through the influence of the chief, returned it all in good order. I advised the chief in regard to the prompt action of the Government in all such cases, assuring him that any future misconduct on the part of either Indians or traders would meet proper punishment. Receiving from him promises of future good conduct, I deemed it unnecessary to pursue the case further, it appearing to me that both parties were somewhat to blame.

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The occasional visit of these steamers at each village along the coast will do more toward insuring the respect of the natives and reconciling disputes that will naturally arise between them and the traders than the most complete system of military posts that may be devised.

* * * * * * *

U. S. REVENUE-MARINE STEAMER THOMAS CORWIN,
Sitka, Alaska, August 12, 1877.

SIR: In compliance with the Department telegram of the 26th ultimo I proceeded to this place, where I arrived at 4 p. m. of the 10th instant, and as the mail steamer will leave here this p. m. I have the honor to submit the following report:

* * * * * * *

The great desire of all with whom I have conversed seems to be that the Indians should be made to understand that the Government has not entirely abandoned the country to them, and that its presence here should be represented by an armed vessel, or the return of the troops. I would here respectfully suggest the propriety of having an armed vessel visit this place and the principal Indian villages in this archipelago once every two or three months at most, as that of itself would have a greater restraining influence over both whites and Indians and tend to the better enforcement of the laws and the preservation of the public peace than by stationing troops at this point. Carrying out this view, I would respectfully inform the Department that after becoming satisfied that our stay here will be no longer required for the proper enforcement of the laws for the time being, I shall proceed to visit some of the principal villages and Fort Wrangell; thence to Port Townsend, Wash., where I shall leave Pilot Keene and report to the Department, exercising my best judgment at all times for the best interests of the Government.

* * * * * * *

I have the honor to be, very respectfully, etc.,

J. W. WHITE,
Captain, United States Revenue Marine.

Hon. JOHN SHERMAN,
Secretary of the Treasury, Washington, D. C.

U. S. REVENUE-MARINE STEAMER WOLCOTT,
Port Townsend, Wash., November 12, 1877.

SIR: I have the honor to report my arrival here from a cruise to Sitka, in accordance with your orders of the 1st of October, and beg leave to submit the following report:

* * * * * * *

I remained at Sitka until the afternoon of the 2d instant to satisfy myself of the future intentions of the Indians and to quiet any alarm the citizens might have had. I had hoped the Chilkats, after the celebration was over, would shortly take their departure for their homes, and with that hope in view I offered to give them a tow a good distance upon their way, but I learned from them that it was very uncertain when they would leave, as they had a number of furs they wished to trade off, and if they could not dispose of them at Sitka they intended to try and sell them elsewhere.

Before I sailed I called a meeting of their chiefs and talked with them. I told them that I had been sent there by the Great Father at Washington to talk with them and to learn the truth about the reports that had been made against the Indians for pulling down the stockade, and other depredations. I urged strongly upon the Indians the neces-

sity of their remaining at peace and submitting quietly to the authority of the United States Government, and of relying on its good faith and kind intentions toward them. I moreover told them that if they did molest the white people or destroyed private or public property that the Great Father would punish them severely. They made long speeches and stated "they were friendly to the whites and wished to continue so; that they talked every day good to their people and urged them to do nothing that would bring upon them trouble." They said, "The white man sell Indian rum, and then abuse him if he acts foolish." They moreover said: "Much that had been told about them were lies; the Russians steal and pull down stockade and say Indian done it." They pledged themselves to use every means in their power to keep peace and order, and that no disturbance should occur among their people and the whites if they could prevent it. I am firmly convinced that what they promised they meant to perform.

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Very respectfully, your obedient servant,

J. M. SELDEN,
Captain, United States Revenue Marine.

Hon. JOHN SHERMAN,
Secretary of the Treasury, Washington, D. C.

U. S. REVENUE-MARINE STEAMER THOMAS CORWIN,
Port Townsend, Wash., September 11, 1879.

SIR: After forwarding my report from Sitka, dated the 12th ultimo, by the mail steamer *California*, I remained at that place until the 30th, then proceeded to visit the various tribes north and east, viz, the Hooners, Chilkarts, Ocks, Tarlooks, and Hootsnohoos, embracing a distance of nearly 500 miles, returning on the 27th to Sitka.

We found the people of the above-mentioned tribes engaged in trading, hunting, and preparing fish for winter use. All expressed themselves as friendly toward the whites; they are also at peace among themselves, which has not been the case for many years past. At several places, and particularly at Kake, they are shy of approaching the vessel until fully assured of our friendly intentions.

* * * * * * *

Seeing no further necessity of remaining longer in Sitka, and deeming it important equally to visit other points in the archipelago before leaving the waters of Alaska, I left there on the afternoon of the 28th ultimo, and proceeded by the outside passage and through Clarence Straits to Wrangell, where on the evening of the 29th we arrived.

Here I visited Mr. Dennis, deputy collector in charge. Wrangell is at the head of navigation for deep-water vessels bringing supplies for the mines up the Stakine River. It has grown to be a mining town in all its features, and has a population during the winter of two or three thousand whites and Indians.

* * * * * * *

Leaving Wrangell on the morning of the 1st instant, we proceeded to Kaita Bay, the home of the principal chief, Skoual, of the Hyda tribe of Indians, north of 54° 40′. We found this tribe, like the others, engaged in the usual occupation of hunting and fishing. We left this

place on the morning of the 3d instant and, proceeding by the various inland passages, arrived at Nanaimo on the evening of the 6th instant, where we took on board 40 tons of coal. Leaving Nanaimo on the 7th instant, we continued on to this place, where we arrived at 2 a. m. of the 8th instant and transferred to the *Wolcott* Pilot Keene, also the pistols and ammunition borrowed from that vessel.

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I have the honor to be, very respectfully, your obedient servant,

J. W. WHITE,
Captain, United States Revenue Marine.

Hon. JOHN SHERMAN,
Secretary of the Treasury, Washington, D. C.

Letters from officers of the Revenue-Cutter Service.

REVENUE-CUTTER SERVICE,
OFFICE SUPERINTENDENT OF CONSTRUCTION AND REPAIR,
San Francisco, Cal., March 31, 1903.

The SECRETARY OF THE TREASURY,
Washington, D. C.

SIR: In accordance with Department instructions by telegram of the 28th instant to Capt. M. A. Healy, Revenue-Cutter Service, I respectfully submit the following statement covering the early cruises in Alaska of the United States revenue cutters to which I was attached at the time, particularly referring to the inland waters situated between Wrangell Island and Yakutat Bay.

The most extensive of these cruises was made by the U. S. revenue steamer *Wayanda*, under the command of Capt. John W. White, in 1868, the year following the transfer of Alaska from Russia to the United States. We left San Francisco, Cal., between the 3d and 5th of May, 1868, and steamed to Port Townsend, then in Washington Territory, where we stopped for several days in order to have the officers and crew of the vessel vaccinated, it having been reported that smallpox was prevalent among the Indians of British Columbia, particularly at Victoria, where we were to stop for a pilot, and at Nanaimo, where we were to take in coal. At Victoria we took on board a pilot, Mr. Thomas Ainsley, who was familiar with the waters of Alaska as far as Sitka, and who was also to act as interpreter in communicating with the Indians. From that port we steamed to Nanaimo, where we coaled ship and then proceeded to Sitka, Alaska, stopping at Tongass, Kassan Bay, Fort Wrangell, and Cape Ommaney, on the way. At Sitka we coaled ship from coal landed there for the Government and also took on board a Russian pilot named Cadin, as Mr. Ainsley, the pilot taken on board at Victoria, British Columbia, was not acquainted with the northern inland waters of Lynn Canal, Glacier Bay, and that vicinity, he having been formerly employed on vessels of the Hudson Bay Company, which the Russians prohibited from trading in that part of the country while in their possession. Those vessels, the steamers *Beaver* and *Lavishire*, of the Hudson Bay Company, as stated by Pilot Ainsley, although allowed to go as far as Sitka, were permitted to trade anywhere within the Russian possessions.

From Sitka we cruised through the entire inland waters of Alaska,

stopping at all the Indian settlements in Lynn Canal, including Tayia Inlet, what is now known as Skagway, Chilkat Inlet, Berners Bay, and other places. We also stopped at Muir Inlet, Glacier Bay, and from there went down through Gastineau Channel to Taku Inlet, Stephens Passage, and all other chartered bays and inlets where Indian settlements were known to be situated.

While in Glacier Bay the ship at one time got aground and was for a time in considerable danger from large masses of ice which were floating by. Before the tide arose to release us from our predicament a number of Indian canoes came in sight, and to illustrate to the natives the fact that the ship could still take good care of herself, although temporarily unable to move, a number of shells were fired from the 24-pounder howitzers at the floating icebergs. The bursting of the shells appeared to frighten the people in the canoes, and certainly greatly impressed two native chiefs whom we had taken on board for passage to Sitka and who had evidently never seen anything of the kind before. At all the Indian villages or settlements where we stopped we held communication with the natives, and at a number of places held council with the Indian chiefs, usually in the largest log hut in the village.

The chiefs met us dressed in their best outfits (generally a new blanket profusely decorated with pearl or bone buttons and a headdress of colored cloth bands or feathers), and the officers of the vessel were in full uniform. On such occasions the meetings were by appointment. Mats were placed upon the floor, and all sat down except the common natives, who stood up in and about the hut. Speeches were made by some of the chiefs, their language being interpreted by our pilot. The Indians desired to know all about our visit in their waters. Our commander replied through the interpreter, informing them that our presence was for the purpose of examining into their condition and explaining to them that they were then under the jurisdiction of the United States, as their part of the country, as well as a large additional part, had been purchased from Russia by our Government. At some of the settlements the headmen informed the commander that they had heard that the "Boston men" (by which name all our people were known to them) had purchased the country and hoped that we were all good people and that we would get along peaceably.

We stopped several days at each settlement where there were a considerable number of Indians and made inquiries as to their understanding of the transfer of the country from Russia to the United States. We also fitted out expeditions looking for coal, which the people at some of the places claimed to know about. I went with the natives on all such expeditions, sometimes being absent from the ship for several days. We found quantities of lignite at numerous places, but no real coal. During some of these expeditions, particularly in the northern inland waters, where the natives were reported as being treacherous, the captain made an agreement that one or two chiefs and a "shawman" (Indian doctor) should remain on board of the ship until I was safely returned. I soon picked up some of the Chinook jargon, which most of the young natives understood, and in that way got along very well.

At most of the settlements the ship's surgeon visited the people and examined into their physical and sanitary condition. He also gave them some treatment and performed some operations.

During our visits to some of the settlements the people complained

of the bad character of their chiefs or subchiefs and desired that they be deposed. When such requests were made our commander had the people called together, and in the presence of the accused chief questioned them, through the interpreter, as to what abuses he had committed and whether they all desired his removal. When it was found that at least a majority of the tribe wished to have the man removed from authority he was called out before them and informed that he was no longer a chief of that tribe and the reasons therefor. The people were then directed to choose a chief from among themselves, and when this was done the man selected was given a written paper signed by the commanding officer of the ship authorizing him to act as chief, and he was generally presented with a cutlass, and on some occasions with an old uniform cap, if one was available, as badges of authority. We never found that authority invested in this way was ever afterwards disputed by any member of the tribe.

We boarded and examined two small schooners that were found trading with the Indians in Lynn Canal but, as they had no whisky or British goods on board, they were not disturbed. They hailed from Sitka, and had authority from the collector of that port to trade with the natives. We also overhauled and searched all large Indian canoes found underway, as it had been reported to the commanding officer by some of the officials at Sitka that the natives were smuggling in English blankets and other goods purchased at Fort Simpson, British Columbia, and passed along from tribe to tribe in the way of trade. These blankets were known among the Indians as "King George" blankets and brought higher prices, as the natives liked them much better than the "Boston" blankets, as they called those made in the United States, and we certainly admired their good judgment.

After steaming to Fort Wrangell we returned to Sitka where we coaled and watered ship, and in a few days started on a cruise to the westward, stopping at Kodiak Island, Yakutat Bay, Cooks Inlet, Bristol Bay, and the Aleutian Islands.

After coaling and watering the vessel at Unalaska we steamed to the islands of St. George and St. Paul (seal islands), where we remained for some time and then steamed back to Unalaska again, coaled and watered ship and steamed to Sitka by the way of Belcovsky and Unga. At Sitka we took in coal, and after a short stay at that port proceeded through the inland waters of Alaska to Nanaimo, British Columbia, where we again coaled ship and proceeded to San Francisco, Cal., by the way of Puget Sound and the Straits of Fuca.

We were six months on this cruise, about four months of which were spent in the inland waters of Alaska, the remainder of the time being taken up in the cruise to the westward.

The following year, 1869, I made a six months' cruise to Alaska in the U. S. revenue steamer *Lincoln*. We left San Francisco, Cal., in May, and after stopping at Victoria and Nanaimo, British Columbia, for coal and water, steamed through the inland waters of Alaska to Sitka, stopping at Bella Bella and Fort Simpson, British Columbia. From Fort Simpson we steamed to Tongass (United States territory), and from there to Kasaan Bay and Fort Wrangell.

From Wrangell we proceeded to Sitka, where we coaled and watered ship, and after a short stay at that port weighed anchor and steamed to the southward through Peril Strait to Fort Wrangell. While we were at this settlement Secretary of State Seward arrived on a merchant steamer, which had been placed at his disposal by the Pacific Coast

Steamship Company. News of the intended visit of the Secretary had in some way reached Fort Wrangell and before the steamer arrived a large number of Indians had collected from the surrounding country. They came in their racing and war canoes and were dressed in their bravest attire. Our ship fired a salute from our battery of six 24-pounder guns as the Secretary steamed by and the wads from the guns striking the water created great consternation among the natives, who paddled off as fast as they could until the smoke cleared off and they could see that no damage had been done; they had probably never heard such firing before and did not understand that it was a salute. The Indians made much of the Secretary and got up canoe races and dances in his honor. They fitted out a great war canoe and took the Secretary and party some distance up the Stickine River.

From Fort Wrangell we returned to Sitka, where we remained during the visit of Secretary Seward, and after coaling and watering ship we made a cruise through the northern inland waters over much the same ground as covered by the *Wayanda* during the year previous. From Sitka we took with us several officers of the U. S. Army, among them being Col. Neal Dennison, Major Bell, and Lieutenant Livermore. During the cruise the army officers and officers of the vessel visited the various settlements and held councils with the natives. We took with us three of the principal Indian chiefs and their wives from villages on Lynn Canal and Glacier Bay and brought them to Sitka, where a grand dinner was given by the army officers and citizens at the Castle, the former residence of the Russian governor of Alaska, the Indian chiefs and their wives being invited. During this cruise, also, all trading vessels and large canoes under way were boarded and examined, as much smuggling from British territory was reported to be going on.

The latter part of this cruise was to the westward to Kodiak Island and the Aleutian group, the return being made by the way of Sitka and the inland passages of Alaska to Port Townsend, Puget Sound, where we were ordered to remain.

I made many other cruises to Alaska in the U. S. revenue steamers *Rush* (two vessels of that name, the old and new *Rush*) and the *Wolcott*, but did not again visit the northern inland waters.

I was with Captain Shepard in the *Rush* during his last cruise to Alaska, and we then went to Yukatat.

Respectfully submitted.

J. A. Doyle,
Chief Engineer, U. S. Revenue-Cutter Service,
Assistant to Engineer in Chief, P. C.

U. S. Steamer Thetis,
San Francisco, Cal., March 30, 1903.

The Secretary of the Treasury,
Washington, D. C.

Sir: Replying to Department telegram of the 28th instant, I respectfully forward the following in regard to my several cruises in Alaska:

My first visit to Alaska was on the revenue cutter *Reliance*, leaving

San Francisco about October 31, 1868, and arriving at Sitka the last of November. From that time on while cruising in that country we exercised the right of search of all vessels, as far as regards domestic trade, in all waters, bays, and rivers north of Cape Fox to the head of Lynn Canal. Our first seizure was the steamer *John L. Stevens*, Capt. Chirs Dall, master, Brennan & Holliday being the owners. She was seized at Sitka for illegal importations of foreign goods from Victoria and also landing liquor, which was prohibited under the President's proclamation. I, then being a second lieutenant attached to the U. S. revenue cutter *Reliance*, was ordered aboard the *John L. Stevens* as prize master, with orders to deliver her to the United States district attorney at San Francisco.

After properly turning over my charge I returned to Sitka on the U. S. steamer *Lincoln*, acting as navigator on the passage up. Arriving there, I was permanently attached to the *Lincoln*. My next cruise was through the inland waters in search of the liquor landed by the *John L. Stevens*, and over 100 barrels were eventually located and seized. This liquor was found at Wrangell in charge of Leon Smith, who was afterwards shot by a native and whose heirs put in a claim for the value of this seized liquor—part at Tongass, in charge of a man named Waldron, and the remainder in the care of King William Lear, who had secreted his share near the headwaters of Lynn Canal. This liquor was all seized and taken to Sitka and turned over to the collector of customs.

One of the steamers of the Hudson Bay Company, I think the *Otter*, was selected by General Davis to carry army stores from Sitka to Wrangell. Dr. H. McIntyre, at that time special Treasury agent, made a vigorous protest against foreign bottoms being engaged in coasting trade. After a spirited contention the right of law prevailed, and these stores were not carried to Wrangell in a British bottom. I relate this to show that these waters were considered wholly American and that we exercised jurisdiction over all trade in them.

While at Sitka in command of the *Corwin* there was an outbreak of the Indians at Killisnoo Inlet. Captain Merriman, commanding the naval forces in those waters, was appealed to for protection. I knew that his ship, the *Wachusett*, was too cumbersome for safe handling in those waters, and I tendered him the use of the *Corwin*, reserving to myself the sole right of navigation, which he accepted. Arriving at Killisnoo, at an appropriate stage of the tide, we ran up to the Indian villages, shelled the towns, and eventually destroyed by burning. As a guaranty of future good conduct, a tribute of 1,000 blankets was levied, but only 500 could be obtained. The late Abram Hewitt, then a member of Congress, severely censured the naval commander and as highly commended the officers of the Revenue-Cutter Service.

To emphasize the fact that the Canadian officers were very jealous of their rights and the prerogatives of their government, I will relate the following incident. While returning from Alaska, late in the fall of 1869, on the U. S. S. *Lincoln*, Capt. David Evans, Revenue-Cutter Service, commanding, we stopped at Nanaimo, British Columbia, for coal. While at the dock many of the crew left the vessel without permission, and we placed sentries on the wharf, at the bow and stern, to prevent this. An officer of the British Government came on board and made a strong protest against armed aliens on British soil for any purpose whatever. Our sentries were called on board and kept their watch from the deck of the vessel.

A part of this narrative here refers to the duty of the *Reliance*, which vessel, being a schooner, made the outside passage to Sitka. Her duties while I was attached to her were performed in the harbor of Sitka and the inland waters. Subsequently I, first as junior then as a commanding officer, have made many trips to Alaska and return by the inland passages. It was almost the universal custom to make Port Townsend the point of departure, and to fly the revenue ensign until the border line was reached, then the national ensign to the southern boundary of Alaska, as shown on the chart, and from there to the headwaters of Lynn Canal the revenue ensign was used, and all the duty and functions pertaining to our service were exercised.

This report is written hurriedly and amidst the busy time of outfitting for sea and wholly from memory. Should a more particular report be required, if the Department will indicate the points desired, I will endeavor to furnish them.

Respectfully,

M. A. HEALY,
Captain, Revenue-Cutter Service, Commanding.

REPORTS RELATIVE TO SCHOOLS, CENSUS, AND CONTROL OF THE INDIANS, AND MINING LOCATIONS ON THE MAINLAND OF SOUTHEASTERN ALASKA.

The Secretary of the Interior to the Secretary of State.

WASHINGTON, *April 13, 1903.*

The SECRETARY OF STATE.

SIR: In response to your request of the 13th ultimo, I have the honor to send herewith copies of various official documents taken from the archives of this Department, having reference to the occupation by the United States and its citizens of the continental shores of the possessions of the United States in southeastern Alaska.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

The Secretary of the Interior to the Secretary of State.

DEPARTMENT OF THE INTERIOR,
Washington, September 16, 1898.

SIR: I have the honor to transmit herewith a copy of a letter addressed to you by Dr. Sheldon Jackson, touching the establishment of schools, etc., in southeast Alaska since 1877, together with a letter from the Commissioner of Education regarding the provisions made by this Department for the education of children in Alaska since 1884.

There are also transmitted herewith for your information copies of the reports of the special agent of this Department charged with the taking of the census of Alaska in 1880 and 1890, with accompanying maps of that Territory and a memorandum showing the executive documents published by this Government touching the district of

Alaska and the boundaries between the United States and Great Britain from 1828 to 1876, inclusive.

In this connection attention is directed to Senate Executive Document No. 179, Forty-sixth Congress, second session (Senate Ex. Docs., Vol. IV, 1879–80), which contains a detailed report from the Secretary of the Treasury to the Senate concerning matters connected with Alaska Territory and the transfer of jurisdiction over the Territory from the War Department to the Treasury Department.

From this document it appears that an army post was established at Sitka, Alaska, as early as 1867, and soon afterwards four other military posts were established, viz, Kodiak, Tongass, Kenay, and Wrangell.

Very respectfully,

C. N. Bliss, *Secretary.*

The Secretary of State.

The Commissioner of Education to the Secretary of the Interior.

Department of the Interior,
Bureau of Education,
Washington, D. C., September 15, 1898.

Sir: Referring to your verbal instructions of the 13th instant, I have the honor to present herewith in brief form the particulars relative to the establishment of schools by this Bureau, under the direction of the honorable the Secretary of the Interior, the same being stationed along the south coast of Alaska.

In 1884 Congress, in the organic act creating the District of Alaska, enacted that the Secretary of the Interior should make needful and adequate provisions for the education of the children of that section without distinction of race.

In accordance with which act, on the 2d day of March, 1885, the Secretary of the Interior assigned this work to the United States Bureau of Education, and Dr. Sheldon Jackson was appointed general agent of the Bureau to the work. Public schools were at once established at Sitka, Juneau, Fort Wrangell, Jackson, and Haines, in southeast Alaska, and in Unalaska, in the Aleutian Islands.

The school at Haines is on Portage Bay, at the head of Lynn Canal: approximate latitude 57° 15′ north, longitude 135° 28′ west. The public school was opened in 1885 and has continued in operation to the present time.

In the fall of 1886 a public school was established at Loring, Naha Bay, Behm Canal, with latitude approximately 55° 40′ north and longitude 130° 45′ west, with Samuel A. Saxman, of Pennsylvania, as teacher. In November, 1986, Professor Saxman was removed to Fort Tongass.

In 1885 a school was opened at Fort Tongass, on Tlekhonsiti Harbor, in about latitude 54° 45′ north and longitude 130° 45′ west. The school was opened in the United States military barracks, which had been erected in 1867, with Louis Paul, teacher. In November, 1886, Prof. A. Saxman was placed in charge. During the winter Mr. Saxman and Mr. Paul were drowned at sea, and the school was discontinued in the spring of 1887.

In July, 1888, a public school was opened at Metlakahtla, Annette

Island, in latitude 55° 10′ north and longitude 131° 25′ west, set apart for the purpose by act of Congress approved March 3, 1891 (an act to repeal timber-culture laws, etc., sec. 15). The school was taught by Mr. William Duncan, assisted by one or two native teachers. That school has been in operation to the present time, some years under the charge of the Bureau of Education and other years sustained by the colony itself.

In 1895 a public school was opened at Saxman, on Tongass Narrows; approximate latitude 55° 25′ north and longitude 131° 30′ west, with two teachers. The school is still in operation.

All of which is respectfully submitted.

W. T. HARRIS, *Commissioner.*

The SECRETARY OF THE INTERIOR.

Rev. Sheldon Jackson to the Secretary of State.

DEPARTMENT OF THE INTERIOR,
BUREAU OF EDUCATION, ALASKA DIVISION,
Washington, D. C., September 15, 1898.

SIR: In response to your inquiry of the 13th instant with regard to my connection and the work of missions in southeast Alaska, I have the honor to state that I went to Alaska as superintendent of Presbyterian missions in 1877. I have spent, between that date and the present, three winters and nearly every summer; have visited repeatedly parts of the Territory south of Mount St. Elias, as well as large portions to the north and to the west.

In the spring of 1885 I was appointed general agent of the Department of the Interior of the United States Government for the purpose of establishing schools.

In establishing Presbyterian missions in southeast Alaska it was always understood that it was a part of the United States, as the home department with which I was connected had no authority for the establishment of missions outside of the jurisdiction of the United States.

In 1881 I established a Presbyterian mission station on Portage Bay, at the head of Lynn Canal, which was named Haines. The Rev. Eugene Willard and family were placed in charge, and their work has grown at that point into a flourishing church of native members. The missionary now in charge is the Rev. W. W. Warne.

In 1885 I sent Mr. and Mrs. Lewis Paul as missionaries of the American Presbyterian Church to Fort Tongass, on Tlekhonsiti Harbor, at the extreme southeastern point of Alaska, where they remained for several years. In 1895 this mission was transferred to Saxman, on Tongass Narrows, where Mr. James W. Young and the Rev. Edward Marsden are in charge.

In 1887 Mr. William Duncan, at the head of a prosperous mission at Metlakahtla, in British Columbia, moved his colony north to Annette Island, in order to get within the jurisdiction of the United States.

In 1897 the Mission Society of the Protestant Episcopal Church of the United States established a mission at Ketchikan, on Tongass Narrows, southeast Alaska.

In 1881 the United States naval commander in those waters assembled Shateritch, Donawok, and other leading chiefs of the Chilcat tribe and

explained to them the object of the missionaries locating among them and charging them to see that they were not molested, and annually thereafter the ceremony was repeated up to the year 1885 and later.

Detachments of the U. S. Army had had camps at Kadiak, Kenai, Sitka, Fort Wrangell, and Fort Tongas from 1867 to 1877, inclusive. Upon the withdrawal of the military in 1877 a naval vessel—at first the *Jamestown* (Capt. Henry Glass), afterwards the *Adams* and the *Wachusett*, the latter commanded by Captain Lull—was stationed at Sitka, cruising, as circumstances required, to preserve order among the natives from Fort Tongas in all the inlets to the head of Lynn Canal.

I have the honor to be, very respectfully,

SHELDON JACKSON, *General Agent.*

Hon. W. R. DAY,
Secretary of State, Washington, D. C.

Extracts from the annual reports of the governors of Alaska.

SITKA, DISTRICT OF ALASKA,
October 1, 1884.

The act organizing the district of Alaska, approved May 17, 1884, requires "the governor to make an annual report on the 1st day of October in each year to the President of the United States of his official acts and doings; of the condition of said district with reference to its industries, resources, population, and the administration of the civil government thereof."

* * * * * * *

On the 15th of September, after the usual "governor's salute," Lieut. Commander Henry E. Nichols, commanding the U. S. S. *Pinta* and the naval forces in the district, formally relinquished to me all civil authority hitherto exercised by the United States Navy, deeming that functions in that direction ended with the advent of the civil government.

* * * * * * *

Very respectfully,

JOHN H. KINKEAD,
Governor of the District of Alaska.

The PRESIDENT.

SITKA, ALASKA, *October 1, 1886.*

SIR: * * * On my way back from Washington, while at Juneau, I was shown a letter from Archbishop Segers, of the Catholic province of British Columbia and Alaska, indicating a bad condition of affairs in the Chilcoot neighborhood. This zealous prelate, accompanied by a number of priests, was on his way to the Yukon country for the purpose of establishing missions and schools for the benefit of the interior natives, and complained of having been subjected to the most outrageous extortion at the hands of a Chilcat chief, who claimed the right of levying tribute upon all who passed through that part of the Territory occupied by him and his people. Another letter, signed by all the priests and laymen of the party, related the circumstances of

an assault committed upon the person of the archbishop by the chief in question for no other provocation than an earnest remonstrance against his extortionate demands.

I also conversed with two persons who claimed to have witnessed the assault, and was informed by a number of persons lately returned from that section that unless some measures were taken to curb the rapacity of this particular chief and his immediate followers serious trouble was likely to ensue. The ship on which I was a passenger having some freight to land at the Chilcat cannery, not far from the lower Chilcoot village, where the chief in question lives, the captain consented to take myself and a marshal's posse to the latter place without compensation other than the usual cost of steerage passage. I therefore concluded to take with me a deputy marshal and sufficient force to insure the capture of the chief, with a view of bringing him before the commissioner at Juneau for examination. The commissioner was absent on his ranch, however, and a warrant could not be obtained, but feeling that prompt action was necessary, knowing that no other opportunity to reach Chilcoot was likely to present itself for a long time to come, and realizing the impossibility of adhering to all the usual forms of law in such cases, I concluded to take the responsibility of proceeding in this case without legal process.

Taking with me the deputy marshal and 11 men, I accordingly proceeded to Chilcoot. Arriving at which place, with a view of avoiding possible bloodshed, I sent word to the chief that I wished to see him on board. He came off to the ship, and on being closely questioned did not deny having had trouble with the archbishop, whom I personally know to be a most genial, kind-hearted gentleman, while he boldly asserted the right to exact payment for the privilege of passing through the country he claimed as belonging to him and his people. I therefore, after explaining to him the reason, ordered him to be placed under arrest, and knowing the disposition to suicide of these natives under such circumstances, had him so secured as to prevent him from doing himself a personal injury. I then went on shore and had a "talk" with his people, to whom I explained the intentions of the Government concerning them, assured them of my desire to deal justly and honestly with them, but warned them that they must abandon their pretentions of right to collect toll from white men passing through the country inhabited by but not belonging to them in a political sense, and received from them a promise of future good behavior. Returning we reached Juneau late at night and ascertaining that the commissioner was still absent, I concluded to bring the prisoner on to Sitka, though perfectly well aware that there would be no evidence here upon which to hold him for trial.

I believed, however, that a lasting impression for good could be made upon him during the time he might necessarily be detained in Sitka waiting for transportation back to his home, and in this I was not mistaken. He was put through the formality of an examination and for the want of evidence discharged. Afterwards during his stay I had frequent interviews with him, and also managed to bring him under the direct influence of the principal chief of the Sitkas, from whom he received such additional good advice that on his return home he called his people together and in a lengthy speech warmly advocated the cultivation of friendly relations with the whites, assuring

them that they had everything to gain and nothing to lose by permitting the whites to pass unmolested through their country.

* * * * * * *

Very respectfully, your obedient servant,

A. P. SWINEFORD,
Governor of Alaska.

The PRESIDENT.

SITKA, ALASKA, *October 1, 1888.*

SIR: * * * There are, or ought to be, 13 public schools in the Territory, viz. 2 at Sitka, 2 at Juneau, and 1 each at Oonga, Kodiak, Afognak, Chilkat, Killisnoo, Wrangel, Klawak, Howkan, and Metlakatla. All these schools are in operation, unless that at Oonga be an exception.

* * * * * * *

There is but one so-called tribe in the southeastern section with whom there is any trouble to be apprehended, and though they are not in sufficient numbers to wage what might properly be termed war, they are certainly in a position to make themselves very troublesome and annoying if they chose to do so. I refer to the Chilcats, who are located on the Chilcat River, and at and around the head of Chilcoot Inlet. They claim the exclusive ownership of the trail over which the miners are wont to pass from tide water to the headwaters of the Yukon River, and it is an open question if their claim be not a just one.

However this may be, they also claim the exclusive right to do all the packing over the trail, in some instances going so far as to resist the white miner's right to carry a pack of his own. They are a fierce and warlike people, more so than any other of the native clans of Alaska, and frighten away all other Indians who apply for or undertake to do any of the packing for the white men, for doing which they themselves demand and extort exorbitant prices. As a consequence there have been frequent quarrels between themselves and the white miners, none of which, however, has resulted in bloodshed. But last spring a fight occurred between t e leader of the Chilcats and a Sitka Indian, in which the former was killed, and the latter afterwards butchered by the leader's friends. The white miners took no part in the fight, but many were apprehensive of further trouble, their fears only being allayed when the U. S. S. *Pinta* appeared in the inlet.

As no white persons were injured, no complaints or arrests were made, and though I can not hear that any of the miners were molested while on their way out from the Yukon this fall, I am apprehensive of more trouble next spring, in which event it is more than likely the whites may be embroiled. If there is any one point in the Territory where a military post should be established and maintained it is among these Chilcats. A continuous show of force in that neighborhood would be sufficient to insure their good behavior in the future.

* * * * * * *

Very respectfully,

A. P. SWINEFORD,
Governor of Alaska.

Hon. WILLIAM F. VILAS,
Secretary of the Interior, Washington, D. C.

EXECUTIVE OFFICE,
Sitka, Alaska, October 1, 1890.

SIR: * * * Quartz lodes are worked in ten or more districts, some of which are large and contain many distinct claims. The ten districts referred to are as follows, to wit: Sheep Creek region, which affords ore containing silver, gold, and other metals; Salmon Creek, near Juneau, silver and gold; Silver Bow Basin, mainly gold; Douglas Island, mainly gold; Fuhter Bay, on Admiralty Island, mainly gold; the Silver Bay mining district, near Sitka, gold and silver; Berners Bay, in Lynn Canal, mainly gold; Fish River mining district, on Norton Sound; Unga district, and Lemon Creek. Many of the ores containing silver and other metals, notably the Sheep Creek, Salmon Creek, and Lemon Creek ores, are sent to smelters long distances away for reduction, the necessary conveniences not being found near at hand. Some of the ores are simply piled up waiting for future opportunities or the erection of mills. The number of mills for crushing the ore and obtaining the free gold within the Territory is, I believe, thirteen, only one or two of which have chlorination works to reduce the sulphurets. The mills may be enumerated as follows:

	Stamps.
On Douglas Island, the Alaska Treadwell Gold Mining Company	240
The Bear's Nest Company	80
The Alaska Union Mining Company	120
The Mexican	10
In Silver Bow Basin:	
The Equitable Mining Company	10
The Takou Consolidated	10
The Webster mill	5
Archie Campbell's mill	10
In Fuhter Bay, Admiralty Island, Willoughby's mill	10
In Berners Bay	5
In Silver Bay district, Sitka, Stewart's mill	10
Lake Mountain Mining Company	5
In Fish River mining district	10
Total	525

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Respectfully submitted.

N. O. MURPHY,
Acting Governor.

Hon. JOHN W. NOBLE,
Secretary of the Interior.

TERRITORY OF ALASKA, EXECUTIVE OFFICE,
Sitka, October 1, 1892.

SIR:

* * * * * * *

INDIAN POLICE.

Under the act of appropriation, March 3, 1891, to pay Indian police, and the authorization of the Commissioner of Indian Affairs, the corps of Indian police was increased to 18, 2 of whom are officers. The privates are distributed as follows, to wit: Two at Metlakahtla, 2 at Wrangell, 1 at Klawak, 1 at Howkan, 2 at Juneau, 1 at Douglas, 3 at Chilkat, 3 at Sitka. The officers are located respectively at Sitka and Juneau.

All these policemen are required to report to some white man, usually a deputy marshal, and directed to act under orders from him, to assist the deputy in preserving order, to prevent the manufacture of hoochenoo, to influence attendance by the native children of school age upon the Government schools, and to give prompt information relative to any matters of which the Government officers ought to be informed. The policemen employed during the last year have generally proved efficient and useful, though in two instances it became necessary to remove those who had become negligent and inefficient and put others in their places.

The policemen have been supplied with badges of their office, and in some cases they have provided themselves with a uniform or special costume. The usefulness of the Chilkat policemen was greatly diminished during the last winter, while they had no white leader, and perhaps, as will be more fully referred to later, the fact that their complaint of the sale of disguised liquors to the Indians of that locality by certain white men received no attention may have had something to do with the abatement of their zeal. The Chilkat district is an important one, containing three canneries, several mines, a mission and Government school, and half a dozen, or such a matter, of stores and trading establishments. The district embraces nine Indian villages and extends 25 miles up the Chilkat River into the interior. The number of white residents is limited, and the Indians are less advanced in civilization than those nearer the old towns. They are much given to drinking intoxicating liquors and when drunk are dangerous. A strong police organization is important. Chilkat matters will be more specifically discussed hereafter.

The duties, as well as the relations, of the Indian police to the people are necessarily somewhat different from those attaching to the office in true Indian country. But these policemen are no less useful, and I trust that the number of men employed may be increased as we find satisfactory men and favorable conditions.

* * * * * * *

A drunken row with the most serious results occurred at Chilkat on the 4th day of July last. Intoxicating liquor has been sold freely for a long time. Three canneries have been in operation during the summers for a number of years. There are also three or four stores for the sale of general merchandise, several saloons, quite a number of white and Chinese residents, and a large number of Indians residing in their seven villages during the winters, but congregating at times about the canneries. These Indians have always been considered dangerous, and drunken brawls have before resulted fatally to some of the Indians themselves. Generally these accidents have been kept out of sight and the evidence suppressed and the difficulties settled "according to Indian custom." Enough transpired, however, to suggest the necessity for prompt and vigorous action. As stated in my last annual report, I organized a force of Indian police, and under the efficient management of Deputy Marshal Healy they did excellent service in destroying hoochenoo and the native manufacture and were full of zeal to reform the whole neighborhood of all drunkenness. To this end they made complaint of the sale of liquors disguised under the name of lemon extract, in which complaint white men joined.

I communicated the facts to the district attorney. After some

months the complaints were renewed, and I requested the district attorney to accompany me to that place and make an investigation. We went there on the U. S. S. *Pinta*, as stated in my last annual report, in July, 1891, and while I was having a conference with the natives about their troubles with the canneries the district attorney was supposed to be investigating the charges of selling lemon extract to the Indians.

* * * * * * *

Meanwhile Deputy Marshal Healy was away, the Indian policemen without a head were of no account, and saloons multiplied until pandemonium ensued, and the culmination was reached on the 4th of July last, when, in a drunken row, one Indian was killed, one white man and one Indian were severely wounded, and another white man was shot down in cold blood next day as a resulting sequence. The circumstances of the affray need not be recounted here.

The killing of Marx on the 5th of July seems to have grown out of the drunken riot of the night before and through the influence of the Indian custom of requiring blood for blood. The wife of the Indian who had been killed went to a friend, probably a member of her husband's clan, and appealed to him to avenge his death, an appeal which in the olden times was never disregarded. She recited the catalogue of her wrongs and closed by saying: "Tom, you are a great warrior. You are my friend and the friend of my husband. You claim to be a brave man. The white men have come here and taken away our fishing grounds, driven away our game, treated us with contempt, and have now killed my husband. Avenge his death and take away our shame." Tom took his gun and shot the first white man he met, Frank Marx, who was not engaged in the drunken row at all and was in no way responsible for what had happened.

Prompt action was taken by Deputy Marshal John Dalton, and Commissioner Hoyt, of Juneau, held inquests on the bodies of the deceased men and made arrests as follows, viz: John Wade, white, for manslaughter of the Indian, who was held for trial in the sum of $1,000; Tom, an Indian, for murder of Frank Marx, who was committed to jail to await trial; Qualth, an Indian, for assault with intent to kill, who was committed to jail; Kowtshish, an Indian, for assault, warrant issued; Sitka Jack, an Indian, for assault, warrant issued and arrest made some time later; Yelth-ta, an Indian, for disturbing the public peace, tried, found guilty, and fined $30—in default of payment, committed; Martin Oleson, white, for selling intoxicating liquor, held for trial in $400; M. V. Sharp, white, for selling liquor, held for trial in $400; Lyman Stearns, white, for selling liquor, held for trial in $400; Joe Tuguerie, white, for selling liquor, held for trial in $400; Silas Gibson, white, for selling liquor, held for trial in $400.

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Very respectfully, your obedient servant,

LYMAN E. KNAPP,
Governor of Alaska.

THE SECRETARY OF THE INTERIOR,
Washington, D. C.

Report of the Rev. Sheldon Jackson, D. D., upon the condition of education in Alaska, 1881.[a]

TAKOO.

During the summer of 1880 Rev. and Mrs. S. H. R. Corlies carried on a temporary school among the Takoos.

CHILCAT.

In the summer of 1880 Mrs. Sarah Dickinson, a Christian Tongass Indian, was sent to open a school at the store of the Northwest Trading Company, among the Chilcats at the head of Lynn Channel. During the past summer I erected at that point a residence for the teachers and provided a school building, leaving Rev. E. S. Willard, of Illinois, in charge, with a flourishing school.

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In July, 1878, a committee of Indians from Kla-Wack made a strong appeal to Mrs. McFarland for a teacher. During my trip in 1879 I had conferences with prominent chiefs of the Chilcat, Hydah, and Tongass tribes, all asking for teachers. And to show their sincerity, on my recent trip, Shateritch, the head chief of the Chilcats, gave me the best house in his village for school purposes. He has also sent one of his boys to the Indian training school, Forest Grove, Oreg.

Skule-Ka, a leading chief of the Hydahs, also gave the best house in his village for a school, and his wife does the teacher's washing free of charge, saying, "He was teaching them freely, and she would wash for him in like manner."

At a council held by Lieutenant Hanus, of the U. S. S. *Jamestown*, with the Chilcats they said that if a teacher were sent to them "they would look up to him as they do to the sun."

* * * * * * *

On the 15th of October, 1879, the following letter was addressed to the honorable Secretary of the Interior in reply to his request for a report of the situation:

BOARD OF HOME MISSIONS OF THE PRESBYTERIAN CHURCH,
MISSION HOUSE, 23 CENTRE STREET,
New York, October 15, 1879.

DEAR SIR: Having returned from a special visit to the native tribes in southeastern Alaska, we take pleasure in complying with your request of last winter that we should send you some report of our impressions. We visited Sitka, Fort Wrangell, the coast along Prince Frederick Sound, and up the Stickeen River, also Tongass and the British schools at Fort Simpson and Metlakatla. We also saw representatives of several other tribes visiting at Fort Wrangell. We were agreeably surprised at the progress those people have made in civilization as compared with the Indians of Colorado, Wyoming, and Dakota. We found them industrious and easily governed. We found them serving as deck hands, pilots, and cooks on the small river steamers that ply on the Stickeen. They manifested an eagerness to learn and improve their condition in life that is very commendable and ought to be encouraged.

From Dixons Inlet on the south, for 300 to 400 miles along the coast to the head of Lynn Channel, the several tribes, with but one exception, speak a common tongue, the Thlinket, which will be of great advantage in any effort to establish schools. The exception spoken of is the Hydah tribe that have a language of their own. The Tongass and Hydah in the south number about 1,200; the Stickeens, about 1,000; the Kakes and Kous, about 568; the Awks, 640; the Takoos, 500 or 600; Chilkats, 1,000; Hootchenoos, 666; Hoonyahs, about 1,000; Sitkians, 721, with scattered ones making about 7,000 speaking the Thlinket tongue. We have already

[a] For full report see Senate Ex. Doc. No. 30, Forty-seventh Congress, first session.

established schools at Fort Wrangell and Sitka, and are arranging to establish schools among the Chilcats and Hydahs. These schools could be greatly enlarged and extended if the Government would aid in the same way that it is doing among the Indian schools of the Territories. The few thousand dollars judiciously spent now in giving that people an elementary education and instruction in the industries will save hundreds of thousands of dollars in future wars. We found a very strong desire among the natives we met for the establishment of schools among their several tribes.

Knowing your great zeal to elevate the masses and free the oppressed and lift our common humanity to a higher plane of intelligence and comfort, we confidently look to you to take such action as in your judgment will secure Congressional aid in the school work among the native races of Alaska.

Very respectfully, yours,

HENRY KENDALL.
SHELDON JACKSON.

Hon. CARL SCHURZ,
Secretary of the Interior.

Census of Alaskan Indians, 1880.

[From the Tenth Census of the United States, Volume VIII, Report on Alaska.]

[Pages 31–32.]

Natives.	Location.	Total.
Chilkhat tribe:		
Yondestuk	Chilkhat River and Bay	988
Kutkwutlu	do	
Kluckquan	do	
Chilcoot	Chilcoot River	
* * * *	* *	*
Takoo tribe:		
Tokeatl's village	Takoo River and Inlet	269
Chitklin's village	do	
Katlany's village	do	
Fotshou's village	do	
Stakhin tribe:		
Shustak's village	Etholin Island	317
Kash's village	do	
Shakes' village	do	
Towayat's village	do	
Kohltiene's village	Stakhin River	
Ilinauhan's village	do	
Kadishan's village	do	
Shallyany's village	do	
* * * *	* *	*

[Page 177.]

The Thlinket tribes are now divided as follows:

1. The Chilkhaat tribe, of Comptroller Bay, numbering 326.
2. The Yakutat tribe, on the coast from Cape Yaktag to Cape Spencer, numbering 500.
3. The Chilkhat tribe, living on Lynn Canal, numbering 988.
4. The Hoonyah tribe, on Chichagof Island, numbering 908.
5. The Khootznahoo tribe, on Admiralty Island, numbering 666.
6. The Kehk tribe, on the Kehk Archipelago, numbering 568.
7. The Auk tribe, on the northern part of Admiralty Island and Douglas Island, numbering 640.
8. The Takoo tribe, on Takoo River and inlet, numbering 269.
9. The Stakhin tribe, on Stakhin River and Etholin Island, numbering 317.
10. The Prince of Wales Island tribe, numbering 587.

11. The Tongas tribe, near British boundary, numbering 273.
12. The Sitka tribe, numbering 721.

To these must be added 788 Hyda, closely related to the Thlinket, living on Prince of Wales Island.

Census of Alaskan Indians, 1890.

[From the Eleventh Census of the United States: Alaska, Chap. I, p. 3.]

* * * * * * *

Villages.	Total.	Total white.	Total Indian.
The district	8,038	1,738	5,834
Auk settlements	324	1	323
Bartlett Bay	40	13	.....
Berners Bay	6	5	.....
Burroughs Bay	134	18	91
Chican	38	9	29
Chilkat	153	73	.....
Chilkoot Mission	106	.....	106
Douglas City	402	356	26
Fish Bay	4	4	.....
Fort Tongass	50	6	43
Funter Bay	25	5	20
Gambier Bay	8	.....	8
Hindasetukee	143	.....	143
Hoochinoo	381	.....	381
Howkan	105	11	90
Huna	438	2	434
Juneau	1,253	671	527
Kakawaterka	70	.....	70
Kakwaltu	77	.....	77
Kassan	47	1	46
Kichikan	40	9	26
Killisnoo	79	44	33
Klakwan	326	3	320
Klawak	287	18	261
Klinquan	27	8	19
Klukukhu	15	.....	15
Lake Bay	31	3	28
Loring	200	27	120
Metlakahtla	823	4	817
Point Barrie	92	3	89
Point Ellis	170	17	115
Pybus Bay	26	.....	26
Pyramid Harbor	77	37	.....
Sakar	21	1	20
Salmon Bay	42	3	38
Seymour Channel	9	6	.....
Sitka	1,190	280	861
Sumdum	42	1	41
Tolstoi Bay	17	4	13
Windham Bay	11	4	7
Wrangell	316	71	228
Yakutat	308	7	300
Yess Bay	85	13	43

* * * * * * *

Gold ledges have been found on Salmon, Leman, Glacier, and Montana creeks, on the mainland north of Juneau, and although some appear to be valuable none have been developed beyond the prospect stage. The gold quartz veins in the vicinity of Berners Bay have been worked somewhat in the last two or three years, and some rich ore has been found on a number of claims. A village with the high-sounding title "Seward City" was started in 1890 near Point Sherman, and a 20-stamp mill is to be built on the Comet property in 1892. A number of small mills could be profitably worked in that vicinity.

* * * * * * *

The Chilkat Canning Company and the Chilkat Packing Company have establishments on the east side of the inlet, and the Pyramid

Harbor Packing Company has a plant on the opposite side, about 2 miles distant.

The last two companies combined after the season of 1890, and during the season of 1891 the latter cannery was closed and the Pyramid Harbor cannery was operated, outputting 26,000 cases. Sixty white fishermen, at 8 cents per fish, were employed. Twenty-five Columbia River boats and the same number of gill nets were employed in fishing. Two steam tugs of 14 and 7 tons net are used for towing. Two wire fish traps of the ordinary kind were also used in fishing. Forty-five Chinese were employed in packing, at 46 cents per case. In addition to wages, all the employees receive free transportation from San Francisco to the cannery and return. The Chilkat Canning Company packed 20,000 cases in 1891. Fifty-five white fishermen were employed at $35 per month and board, and a bonus of 2 cents per fish. Twenty Columbia River boats and the same number of gill nets were used in catching fish. A steam tug of 80 tons gross is used for towing. Forty-seven Chinese, at 48 cents per case, were employed in packing. In addition to wages, all employees receive free transportation.

The fishing and packing season at these canneries begins about June 15 and ends September 30. The silver salmon, weighing 8 or 9 pounds, is the best and most plentiful variety of salmon frequenting these waters; there are very few tyee or king salmon. The fish are taken in Chilkat Inlet chiefly, and in Chilkoot River.

The natives do not permit the whites to fish in the streams. From $10,000 to $15,000 is paid to natives each season, nearly all of which is for fish, at 10 cents each. A few natives are employed by the Chilkat Canning Company as can fillers and fish cutters, but are not satisfactory workmen. A considerable number of natives were formerly employed as boatmen, but their work was not satisfactory, and whites are now employed in their stead. Each cannery has a store in connection, the trade being almost entirely with the employees. On the east side of the inlet, near the Chilkat Canning Company's cannery, are 3 trading stores and 2 saloons. The permanent white population of the village does not exceed 25. The Chilkat tribe of 800 Thlingits has 4 permanent villages: Klakwan, the largest, is on the Chilkat River, 25 miles from the mouth; Kakwaltoo is a small village 2 miles south of Klakwan; Hindasetukee, at the mouth of Chilkat River, and Chilkoot Mission, on Chilkoot River, about 1 mile from the white village of Chilkat. Probably 200 natives live in cabins near the canneries during the summer months. There is a small summer fishing village at Chilkat Lake. A trading station has been established at Taku Inlet, and a number of Chilkats and Indians from the interior are transient residents there.

The Chilkats are prosperous, enterprising, and independent. They are chiefly occupied in catching and selling fish to the canneries and in trading with the Stick or interior Indians, with whom they exchange calico, blankets, guns, ammunition, etc., for silver-gray, cross, and red fox, black and brown bear, beaver, marten, mink, lynx, wolverine, land otter, and a few other skins. The Chilkats have until recently monopolized this trade, not allowing the Sticks to trade with the whites. Nearly all of the skins purchased by the white traders at Chilkat and a large part of those purchased by the Juneau fur dealers are procured from these native middlemen, the Chilkats. There is not much demand for native labor at $1.50 per day. About 50 miners outfit at Juneau

every spring and go into the interior of Alaska via Taku Inlet and Chilkoot Pass. From the head of the inlet over the pass to Lake Lindermann is 23 miles. Many of the miners employ Chilkats to pack their outfit over the distance, paying $13 per hundred pounds for the service.

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Statement from the Commissioner of the General Land Office.

In the Annual Report of the Commissioner of the General Land Office for 1869, page 201, the Commissioner recommended that the United States public land system be extended by legislative authority to Alaska. The following extracts are taken from this report:

"The United States Territory on the North Pacific or the Russian purchase known as Alaska: Five and a half degrees north of Washington Territory, separated therefrom by British Columbia, lies Alaska, the new territory acquired from the Russian Government by the treaty of March 30, 1867, extending from north latitude 54° 40′ to the Arctic Ocean, bounded on the east by British America and on the west by the Pacific Ocean, Behring Sea, and Behring Strait.

"The laws of the United States relative to customs, commerce, and navigation were extended over this region by act of Congress approved July 27, 1868, and provision was thereby made for the collection of the national revenue, but the territorial organization has not yet been consummated nor has provision been made for the recognition of individual possessory rights to any part of the lands, town or harbor sites of this portion of the public domain. In order that the residents of this section of our country may be granted the same privileges conceded to settlers elsewhere upon our public lands, it is recommended that the United States public land system be there extended by legislative authority, in order that encouragement may be given to the proper husbanding and development of the resources of the country.

* * * * * * *

"The area of lands in Alaska which can be disposed of to settlers under the United States land system, for agricultural purposes, has been estimated by high authority at 20,000 square miles, or 12,800,000 acres, with a probability of its exceeding rather than falling short of that amount. This area would furnish under the operation of the preemption and homestead laws homes for more than 150,000 families with profitable occupation in the cultivation of the soil. Besides this agricultural capacity there will necessarily be many town and harbor sites to be disposed of by the Government, situated upon lands valueless for other purposes than the accommodation of commercial and fishing interests. The Government will also be called upon to convey titles to mining claims, there being tracts in Alaska known to contain ores of gold, silver, iron, copper, and coal.

"Under the Russian occupation of Alaska the fur and fishing monopolies virtually controlled the country, and other possible resources, such as mining, agriculture, and manufactures, were subservient to the interests of those monopolies. This explains the neglect of the mines, and is the reason why the country was not cultivated further than what was necessary in raising the few vegetables absolutely required by trappers and fishermen. A new era is already opening in this region through American enterprise.

"The existence of extensive deposits of gold in various interior sections of this Territory has been for some time past an established fact, the reports of travelers all uniting in this respect. Since the American occupation miners have been known to realize from $2 to $7 per day in placer mining on the Stikine River, the placer detritus being considered, from the specimens obtained, sure indications of rich beds of ore in the hills and mountains.

"A party of explorers started early last season from Oregon for the Skena River, and were for some time supposed to have been lost in Queen Charlotte Sound; but the American consul at Victoria, Vancouver Island, subsequently announced their safety, stating that they had found a rich gold field in the vicinity of the Tequo River, where in lumps they were picking up the precious metals. This information was credited in Sitka, and every available vessel was reported to have been brought into requisition to convey adventurers to the place. The finding of gold in valuable quantities on the Stikine River, which is a large stream running through the southern portion of Alaska just north of the boundary line, and rising in British Columbia, has been frequently reported from the times of the earlist travels in that region down to the present.

"The interest in the gold mines of the territory seems to be increasing as new developments are being made, and miners are known to have left the gold fields of the Rocky Mountains and the Sierra Nevada in view of the inducements furnished by the mines of Alaska. Geologists have reported the existence of large deposits of silver and copper ore in this territory and almost inexhaustible beds of iron ore, but mines of these metals have not yet been worked to any extent."

By act of May 17, 1884 (23 Stats., 24), "An act providing civil government for Alaska," Alaska was created a land district, and a United States land office for said district was located at Sitka. The commissioner residing at Sitka, provided for by said act, was made ex-officio register of the land office; the clerk of court, provided for by the act, was made ex-officio receiver of public moneys, and the United States marshal, provided for by the act, was made ex-officio surveyor-general. The United States mineral laws were extended to said district, "subject to such regulations as may be made by the Secretary of the Interior, approved by the President."

July 28, 1885, mining regulations were made for the District of Alaska by the Secretary of the Interior and approved by the President.

February 7, 1885, the local by-laws of the Harris mining district were filed with the ex-officio register. These by-laws were enacted at a meeting held by the miners October 4, 1880. The district was described as follows:

> The mouth of the Taco River on salt water to a river named Salmon River North, and thence running inland fifteen miles along the coast range, the whole consisting of three large creeks or rivers north of the mouth of the Taco River, the first named Sheep Creek, middle or center named Gold Creek, and the third named Salmon River, and all the tributaries, the middle creek or river named Gold Creek is our discovery and field of operations.

At a meeting of the miners held February 9, 1881, the Harris mining district was defined as follows:

> Commencing at Auk Indian village and running northeast, "true," to the boundary line of Alaska and British Columbia, thence along said boundary line to where it intersects the Takou River, thence along down the Takou River and Takou Inlet to Stephens Passage, thence along the Stephens Passage to point of beginning.

From the by-laws the following extracts are made:

HARRISBURG, *February 9, 1881.*

An adjourned meeting of the miners of Harris district was convened at the house of P. McGlinchy at 12.30 p. m.

The minutes of the previous meeting were read and approved.

The following preamble and resolution was then read by T. A. Wilson, and passed:

"Whereas none but bona fide American citizens have a right to participate in making laws for the government of American citizens, and but few of those present being able to prove their citizenship: therefore be it

"*Resolved*, That as a proof of citizenship all persons wishing to participate in this meeting be required to make oath to the same before an officer competent to administer oaths."

The following resolution was then passed:

"*Resolved*, That it is the wish of the miners present that Lieut. Commander C. H. Rockwell, U. S. Navy, be requested to administer the oath that they are citizens of the United States to those present who desire to take the same."

Lieut. Commander C. H. Rockwell then administered the following oath to the following-named persons:

* * * * * * *

The committee appointed at the previous meeting to draft a code of laws for the government of this mining district presented the following preamble and laws, which were adopted:

Whereas valuable mines having been discovered by Richard Harris and Joseph Juneau on the mainland of Alaska, during the month of October, 1880, and no legal code of local laws having been made, the miners residing near these discoveries now think it prudent to have a code of local laws in accordance with the custom of miners and the laws of the United States, do now enact the following articles: * * *

Abstract of mineral locations in the vicinity of Lynn Canal, 1885 to 1895.

Name: Berners Bay Lode.

Locality: On the easterly side of Berners Bay and opposite to Point St. Marys.

Date of location: May 30, 1885.

Date of registry: June 3, 1885.

The above-named lode, being Sitka, Alaska, M. E. No. 70, was patented Feby. 16, 1900, under mineral patent No. 32093, United States.

Name: Northern Light.

Locality: On east side of Lion Head Mountain, about three miles west of Berners Bay.

Date of location; June 30, 1886.

Date of registry: August 9, 1886.

The above-described claim and the adjoining Northern Light Extension No. 1, or Emma, and Northern Light Extension No. 2 lodes, 59.19 acres, Sitka, Alaska, M. E. No. 86, were patented December 10, 1902, under mineral patent No. 36096.

Name: The Kensington.

Locality: About twelve miles north of Berners Bay, up Lynn Channel, about three miles from the beach and what is known as Seward City.

Date of location: October 10, 1886.

Date of registry: November 22, 1886.

Copy of location notice of the Kensington lode claim, which, with the Yellow Jacket, Eureka, Northern Bell, and Elmira lode claims, 93.27 acres, being Sitka, Alaska, M. E. No. 47, was patented March 15, 1895, under mineral patent No. 25362.

Name: Banner Lode.
Locality: On the extreme right-hand prong of Maple Creek, looking towards the head.
Date of location: August 13, 1886.
Date of registry: April 21, 1887.
The above-named Banner lode, together with the Seward, Seward No. 2, Cumberland, Comet, Thomas, Poor Richard, Comet Extension, Snow Flake, Last Chance, and Eclipse lodes, and the Seward No. 2, Cumberland, Thomas, and Comet Extension mill sites, containing 217.01 acres, being Sitka M. 9, No. 46, was patented Aug. 1, 1894, under mineral patent No. 24660.

Name: Northwest Quartz Ledge.
Locality: Situated on the east side of Lynn Canal, about 10 miles north of Berners Bay, on the southwest side of Mount Sherman.
Date of location: August 4, 1890.
Date of registry: August 21, 1890.
The above claims, and also the Esmeralda mill site, containing 42.54 acres, being Sitka, Alaska, mineral entry No. 49, were patented Aug. 1, 1894, under mineral patent No. 24662.

Name: The Hartford.
Locality: Situated about 7,000 feet from the northeast shore line of Lynn Canal and at the foot of Mount Sherman.
Date of location: August 6, 1892.
Date of registry: September 23, 1892.
The above lode claim, being Sitka, Alaska, M. E. No. 48, was patented Aug. 1, 1894, being mineral patent No. 24661.

Name: Hope Lode.
Locality: About a mile from Nowell's wharf, on the north side of Lynn Canal, and about one mile NE. of Nowell Mill, situate in the "Impregnable Basin."
Date of location: September 5, 1895.
Date of registry: September 14, 1895.
The above claim and the adjoining Hope No. 2 lode, survey No. 570, are embraced in M. E. No. 6, Juneau, Alaska, series, and has not been patented.

DISTRICT OF COLUMBIA, *City of Washington, ss:*

Sheldon Jackson, being duly sworn, deposes and says:

That he is the United States general agent of education in Alaska, and has been familiar with that Territory and its affairs for the past twenty years; that immediately after the passage by Congress of the general act of 1884 establishing a civil government in that Territory the Rev. Eugene S. Willard, in charge of the Presbyterian mission at Haines, on the Chilcoot Inlet at the head of Lynn Canal, made a survey of the mission reservation at the said Haines, consisting of 640 acres, in accordance with the provisions of section 8 of the act of Congress of May 17, 1884, and that the said Willard sent the papers constituting the survey to deponent, who was then stationed at Sitka as superintendent of the Presbyterian mission in Alaska; that these papers were deposited by deponent with the acting recorder of the

Government land office at Sitka, who delivered to deponent a certificate of the record, which he (the deponent) forwarded to the said Willard. And deponent further says that he has not seen such certificate since its transmission to Mr. Willard, who severed his connection with the mission in the autumn of 1885. And deponent further says that in the year 1894 the building known as "The Castle" at Sitka, in which were deposited the records of the land office, was burned and the contents thereof totally destroyed.

SHELDON JACKSON.

Subscribed and sworn to before me this 17th day of April, 1903. and I further certify that deponent, who is personally well known to me, is a credible witness.

[SEAL.] WM. H. DE LACY,
Notary Public in and for the District of Columbia.

LIST OF POST-OFFICES IN SOUTHEASTERN ALASKA.

The Postmaster-General to the Secretary of State.

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., April 8, 1903.

SIR: I send you herewith a list of the post-offices established by this Department in southeastern Alaska, with the dates of establishment.

Very truly, yours,

R. J. WYNNE,
Acting Postmaster-General.

The SECRETARY OF STATE,
Washington, D. C.

List of post-offices in southeastern Alaska, with dates of establishment.

Post-office.	Date.	Post-office.	Date.
Chomly	June 23, 1900	Metlakahtla	Apr. 20, 1888
Coppermount	July 3, 1900	Niblack	Sept. 9, 1901
Dolomi	June 30, 1900	Orca	July 23, 1894
Douglas	Sept. 28, 1887	Petersburg	Jan. 24, 1900
Ellamar	Aug. 18, 1900	Porcupine	June 12, 1901
Funter	July 3, 1902	Rodman	July 1, 1901
Grindall	June 23, 1900	Sealevel	Feb. 2, 1900
Haines	July 22, 1882	Shakan	May 14, 1886
Helm Bay (discontinued Dec. 18, 1902)	Dec. 24, 1901	Sitka	July 23, 1867
Hollis	July 9, 1901	Skagway	Nov. 10, 1897
Hoonah	Feb. 15, 1901	Snettisham	Apr. 18, 1900
Jackson	July 24, 1882	Sulzer	June 27, 1901
Jualin	Aug. 2, 1901	Sumdum	Sept. 16, 1897
Juneau (late Harrisburgh)	Jan. 10, 1882	Tonka	May 29, 1902
Kasaan	Jan. 24, 1900	Treadwell	Dec. 24, 1901
Kayak	Aug. 17, 1900	Woodsky	Dec. 6, 1901
Ketchikan	Mar. 4, 1892	Wrangell (late Fort Wrangell)	Feb. 18, 1902
Killisnoo	Sept. 23, 1884	Yakutat	Sept. 14, 1897
Klawock	Sept. 21, 1882	Fort Wrangell	Oct. 6, 1869
Loring	Sept. 10, 1885	Harrisburgh	Apr. 8, 1881

VISIT OF SECRETARY SEWARD TO ALASKA.

[From life of William H. Seward, by Frederick W. Seward, New York: 1891.]

CHAPTER LXIV.

1869.

A Trip to Alaska.—The *Active*—On the Pacific—Straits of Juan de Fuca—Vancouvers Island—Victoria—An Excursion up Puget Sound—Olympia—The San Juan Question—Nanaimo—Forest Fires—The Gulf of Georgia—Queen Charlottes Sound—The Inland Passage—An Archipelago of a Thousand Miles—Lost in a Maze of Islands—An Indian Pilot—"The Queen of the Hydahs"—Chatham Sound—Alaska Waters and Forests—Sitka—Its Houses and People—General Davis—Where Two Sundays Come Together—The Russians—A Visit to the Chilcats—The "Great Tyee"—Total Eclipse of the Sun—A Tribal Gathering—A Treaty of Peace—The Coal Mines of Kootznahoo—Old Shipmates—The Salmon Fishery—A Parting Address at Sitka—The Future of Alaska—Fort Wrangell—Up the Stakeen—Fort Tongass—Return to Victoria.

* * * * * * *

[Vol. III, page 424.] And now, once more on board the *Active*, Seward and his party proceeded northward, this time accompanied by General Davis and his staff. Some of the friendly Sitka Indians acted as pilots, and the destination was the Chilcat River, the headquarters of the formidable tribe recently engaged in hostilities with the troops. They had expressed a desire for peace and friendship, and this visit on the *Active* would give the general an opportunity to reciprocate it. Besides, as he laughingly told the ex-Secretary, he looked to him for valuable assistance in the negotiations. The general, in talking with the Indians, had given them the news that a scientific expedition, sent out from Washington to observe the total eclipse of the sun, was coming among them, and, also, the great "Tyee" (or chief) who had bought the whole territory was coming to make it a visit. It had not occurred to him that the Indians' understanding of the fact would be different from his own. But he soon found that, to their simple minds, it meant the advent of a sovereign owner of the soil. They could not understand how a great "Tyee" could buy Alaska and then not own it. They were expecting to welcome him with great respect, and to receive favors at his hands. As for the eclipse story, they received that with some incredulity, but thought it had some connection with the visit of the great "Tyee."

Around lofty Mount Edgecumbe, through Peril Straits, to the harbor of Kootznahoo, was the first day's sail. It was through the same striking scenery of forests, islands, and towering peaks, and labyrinthine channels already grown familiar, but it differed in being accompanied now with rain and fog and mist, the sun only peering out occasionally and then withdrawing again. Waterproofs and umbrellas were in demand on deck, for no one wanted to remain below.

Two days were spent in the cruise through the mountain scenery of Chatham Strait and Lynn Channel, with a few hours' pause, to look at the glittering cliffs and precipices of ice, which constituted the foot of an enormous glacier, gradually crumbling into the sea, while its congealed mass could be seen stretching far away up into the mountain ravines.

At evening on the 5th a long range of snowy peaks came in view chief among them the gigantic rounded top of Mount Fairweather

Mount St. Elias, highest of all, forms part of the same range, but was too far to the westward to be visible from the steamer, being hidden by the intervening peaks.

Anchoring at the mouth of the Chilcat River, communication was opened with the Indians, who resembled the Sitkas, but spoke a different language. The "Chinook" jargon, however, serves for intercourse with all. Several canoe loads came off to visit the ship, and some of them readily consented to take a message up to Mr. Davidson, who was in the command of the Coast Survey party and had established his camp farther up the river, at the best point for observing the eclipse in its totality.

The Indians were as good as their word, and returned on the following day with a letter from Mr. Davidson describing his position and referring to information obtained there about a region over the hills to the northward where there was "a dry climate," "no forest," "a mountain of iron" and other mineral deposits. He invited the travelers to come up to visit his camp, and the invitation was accompanied by one from the Chilcat chieftain, who sent canoes to aid the ship's boats in bringing them.

The excursion party was soon made up, Seward, General Davis, and others going in one of the *Active's* boats. Pulling rapidly up the river, they soon lost sight of the steamer as she came cautiously along behind them, feeling her way with the lead in unknown waters. A few hours sufficed to bring them to their destination. They were heartily welcomed on shore by Mr. Davidson and by the Chilcat chief, who had placed one of his great lodges at the service of the scientific party and another at that of the "Great Tyee" and the "General." Here they supped upon fresh fish and game, cooked at the blazing fire in the center of the lodge, and passed a comfortable night with semicivilized, semisavage surroundings, wrapped in bearskins and army blankets.

[Here follows an account of the eclipse.]

Shortly before the time appointed for returning on board, the Chilcat chief invited his guests to come to his lodge, to meet the principal people of his tribe. The assemblage numbered two or three hundred. The chiefs, of greater or less degree, the warriors, the medicine men, and the women, stood in grave, passive rows, all around the sides of the building, the chief (Klakautch) and his guests being seated in the center.

The latter had not quite understood whether this gathering was for a formal and ceremonious greeting or for some other purpose. They were not left long in doubt.

As soon as all had assembled, Klakautch rose and uttered a few emphatic sentences, which the interpreter proceeded to translate:

"Some time ago the Kalosh (Sitka Indians) killed three of the Chilcats. Now the Great Tyee has come, we have gathered to ask him what is he going to do about it?"

So sudden and direct a demand seemed to require a categorical answer, and Seward had never heard of the case. He asked:

"When did this killing take place?"

Question and answer were translated by the interpreter. The date was given in Indian fashion, reckoning by "suns" and "moons." It appeared that it happened nine or ten years before.

"Then it happened," Seward replied, "when this country belonged

to the Emperor of Russia—long before it became the property of the United States. He was a great sovereign, who listened to the Indians and treated them with kindness. This demand should have been made to him."

Evidently this reply was not at all satisfactory. The chiefs consulted together, and presently their answer came back through the interpreter:

"We did appeal to the Emperor of Russia, but he gave us no redress. Perhaps he was too poor. We know he was poor, because he had to sell his land to the Great Tyee. But now the Great Tyee himself is here in his stead, and we want to know what he is going to do about it?"

Seward conferred with General Davis and then asked:

"How many men were murdered?"

"Three," was the answer.

"And what sort of redress do you yourselves desire?"

There was visible brightening up in the faces of the Indians at this. They consulted as before, and presently came their response:

"A life for a life is the Indian law, and always has been. But as these three Chilcats were of the chief's family, we reckon each of their lives to be equal to the lives of three common Indians. What we want, then, is the great 'Tyee's' permission to send our warriors down to kill nine of the Kalosh (Sitkas), in order to avenge the death of the Chilcats."

To this Seward replied with promptness that it was not to be thought of. No killing would be allowed. He then asked:

"Is there any other form of reparation that you think might be made?"

The faces of the Indians beamed with satisfaction when this was translated to them. It began to look like business. They consulted as usual, and answered:

"We know that the 'Boston men' are averse to any killing, except by their own soldiers. So we have sometimes consented to take pay in blankets. We think that the life of each Indian is worth about four blankets. Nine times four blankets, if the great Tyee chooses to give them to us, would be full redress, and make our hearts glad; and we should henceforth regard the Kalosh (or Sitkas) as our friends and brothers."

"Well, General," said Seward, "there you have the conclusion of the case. I think you can afford to give them 36 blankets to make peace between the tribes. Shall I tell them you will send them up?"

The General was very well pleased, as this would end the last of the Indian disputes and establish peace throughout the Territory. He thought it advisable, however, to give the adjustment greater solemnity and effect by requiring the Chilcats to appoint commissioners to proceed to Sitka and there receive the blankets for their tribe and exchange tokens of amity with the Sitka Indians.

This arrangement proved higly satisfactory all around. The Chilcats, who hitherto could not safely venture into the region occupied by their enemies, were glad of an opportunity to visit Sitka, see its wonders, and make friends with its Indians. So the meeting broke up with mutual congratulations. The climax was added to the general rejoicing, when the Chilcat chiefs were invited to row down to the *Active*, and dine there with the General and the great Tyee.

Toward evening a picturesque sight was seen from the *Active's* deck. Round the bend of the river a flotilla came sweeping down stream, the ship's boats leading with measured strokes; then the boats bringing the Coast Survey party, with their equipage and baggage, and behind and around them all the brightly colored and gayly decorated canoes of the Chilcats. Arrived on board, the stewards and cook went busily to work to meet the responsibilities imposed upon them; and soon a banquet was spread, bewildering in its variety considering the limited resources of the ship's larder and the Sitka market, and lavish in its quantity, since all who were to partake of it were blessed with good appetites. The cabin was too small to accommodate the whole company, but it was entirely in accordance with Indian usage that the six chiefs should sit at the cabin table, while their wives and attendant warriors gathered on deck round the open skylight, through which the viands were passed out to them, while they had full view of the proceedings below.

The chiefs had, for the most part, discarded savage ornament and wore such clothes as white men—Klakautch especially astonishing his hosts by appearing accurately attired in a neat suit of black broadcloth. On deck there was merriment with the feasting, in the cabin all was grave and decorous, with little conversation, until the principal courses had been disposed of.

After the exchange of various information about the territory and the Government, Seward inquired if there was anything further that the chiefs would like to ask. They consulted, according to their wont, and presently answered, through their interpreter, that they would like to have the great Tyee tell them about the eclipse.

Seward accordingly proceeded to explain the phenomenon in the simplest language possible, using as illustrations the cabin lamp to represent the sun, and an orange and an apple to represent earth and moon. When he had finished, he inquired if the chiefs had understood his explanation.

After conference, as before, the reply came back:

"The chiefs have understood much, though not all, the great Tyee has told them. They understand him as saying that the eclipse was produced by the Great Spirit and not by man. Since he says so, they will believe it. They have noticed, however, that the Great Spirit generally does whatever the 'Boston men' want him to."

With this shrewd comment on ethics and astronomy the feast ended. After an exchange of little gifts, as tokens of remembrances and amity, and with cordial salutations, the Chilcats embarked in their canoes. Captain Dall gave them a parting salute with rockets and blue lights, to which, as soon as landed, they responded by a feu de joie from the shore.

Before daylight the next morning the *Active* had weighed anchor and was retracing her course southward. Diverging from it again toward the harbor of Kootznahoo, she paused there long enough to allow a visit to the coal mines reported to exist in its vicinity.

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On the morning of the 14th the *Active* was heading southward through Chatham Straits and the "Inland Passage," accompanied by the *Lincoln*. A day later the two steamers were at anchor off Fort Wrangell, at the mouth of the river Stakeen. A salute from the ramparts of the fort welcomed his arrival, and then he accompanied the

commandant of the post in a walk through the fortifications and barracks and the roadways of the incipient town.

The Stakeen River was the only point besides Sitka which had yet attracted any immigration. The accounts of gold found in the upper waters had brought a good many miners from California and Oregon. Here Seward, accompanied by some of the officers and passengers, left the ship for a boat excursion of two days up the river as far as the boundary line between Alaska and the British dominions. It was a picturesque and instructive trip through the mountain passes, and enabled them to gain an idea of the nature of the climate, soil, and products of the interior region, different in many respects from those of the archipelago and coast.

Once more on board the *Active*, the next visit was to Fort Tongass another of the Alaska military posts.

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And now came the day of final farewell to Alaska. The *Lincoln* accompanied the *Active* to the line of British Columbia and gave her a parting salute as she steamed over to Fort Simpson. From here the return voyage through Grenville Channel and Queen Charlottes Sound, past Bella-Bella and Fort Rupert, and through the straits and channels of Vancouvers Island, was like the upward one. This time, however, the smoke of burning forests was gone and only an occasional sea fog in its place.

THE TLINKIT INDIANS OF SOUTHEASTERN ALASKA

From the Tlinkit Indians, by Dr. Aurel Krause-Jena, 1885.

[Translation.]

Page 70.]

With American domination a new spirit began to pervade the land, exercising a destructive effect on the individuality of the native tribes which had thus far remained rather unchanged. The Russians living among the natives had been accustomed to adapt themselves to their customs and manners as well as their mode of life, and, as Vancouver remarked, they differed little from the natives. The Americans, however, who, seeking their fortunes, poured into the country, cared very little for the manners of the Indian population, and regardless of the latter they pursued their aims, even when living among them in blockhouses as traders or gold seekers. It naturally followed that the ancient customs, spurned as they were by the strangers, fell into desuetude and were supplanted by habits and customs of the whites whose superiority the natives recognized more and more in proportion to the bold attitude assumed by the former. The Americans, furthermore, endeavored more and more by various industrial enterprises to develop the country's resources and to start up a more active intercourse with the Indian than had been the case during Russian domination. At different points trading posts and canneries of salmon were established, and in 1882 a fish-oil factory at Killisnu. The discovery of auriferous quartz strata in the mountains greatly increased the influx of adventurers who in quest of the precious metal roamed all over the land and by their abandoned mode of living exercised a pernicious influence over the natives.

Gold had first been discovered in British Columbia in 1858. In 1872 the so-called Cassiare mines were found in latitude 59° north, at the fountain head of the Dease River, near Lake Dease, the upper end of which is separated from the Stakhin River only by a few miles of flat land. These mines furnished a rich output and gave rise to lively intercourse on the Stakhin River, which was shared in by the native Indians. In 1875 there were 800 gold seekers in the Cassiare mines, whose number in 1877 rose to 1,200—among them 300 to 400 Chinese. On account of the severe winters these miners sought a milder climate along the coasts, and hundreds of them regularly stayed at Fort Wrangell, living with Indian wives and passing the time in playing cards and drinking brandy.

In 1871 a former soldier named Doyle discovered gold near Sitka, but the search proved disappointing. In 1880 richer gold fields were struck near Taku Bay and opposite Douglas Isle. In 1881 there were 80 gold seekers there, living in 40 log huts, and in the hope of easy gain 200 Indians established their wigwams in that neighborhood.

After the withdrawal in 1877 of the military, leaving no other authorities than the customs officials, the Tlinkit Indians who had been overawed, resumed their former overbearing attitude. Numerous troubles that arose, and in the settlement of which the Indians were favored, led to the belief that more serious outbreaks might ensue. They were kept in check, however, by the demonstrations of naval commanders in Alaskan waters. Whether the endeavors of the Presbyterian missionary societies to civilize the Tlinkit and to prevent them from going down—demonstrations of force having had the opposite effect—is decidedly doubtful. Better results might be looked for from the establishment of a firm government to put an end to the present lawless condition.

THE HOME OF THE TLINKIT.

Chapter 2, page 75.]

The Tlinkit territory extends from the fifty-fifth to the sixtieth degree of north latitude. The ragged condition of the coast, beginning north of Fuca Straits, continues to Cross Sound south of the fifty-eighth degree of latitude. A great number of larger and smaller islands is separated from the continent by narrow sounds.

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Especially noteworthy among the sounds is Chatham Strait, which, with its continuation, the Lynn Canal, extends north through three degrees of latitude.

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South of Yacutat Bay the small river Altsech empties into the ocean, through the valley of which river the Tschilkat Indians sometimes descend to the sea.

Into the northwestern branch of the Lynn Canal the Tschilkat River empties. From its territory several passes lead to the Altseach, to Yacutat Bay, and to the rivers that join to form the Yukon. The latter may be reached more readily by way of the valley of the Deje River, emptying into a bay of the same name and forming the northeastern branch of the Lynn Canal.

Into Taku Bay, rich in glaciers, the Taku River empties, from the

valley of which the Indians also pass to the Yukon. The most important, however, is the Stakhin River, which, at latitude 56° 40′, empties into the Suchoi Canal.

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P. 98.] TRIBES OF THE TLINKIT.

The most northerly is the Jakutat-kon. It was never very numerous, though Chliebnikow reports that in 1805 it numbered 200 warriors. The tribe seems to have lived in a sort of dependence on the Tschilkat tribe. Russian seafaring men, Ismailow and Bolscharow, met here the chief of the tribe, Ilchak, whose headquarters were said to be on the large river Tscitschat, but who with his retinue came to Yacutat Bay every spring in boats, partly for the purpose of trading and partly in order to see his subjects. * * *

Lately the Yacutats along the coast appear to have pushed on in a westerly direction or to have united with another tribe closely related and allied to them, the Ugalentse. Petroff and Jacobson found Tlinkit at the mouth of the Copper River. According to an oral report made by Jacobson, there are two villages, Tschilkat and Allaganak, inhabited by Tlinkit, who are dependent on the chiefs in the Yakutat Bay territory and in winter usually return thither.

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[P. 100.] The Tschilkat-kon, the mightiest of all of the Tlinkit tribes, is distributed along the northern end of the Lynn Canal, inhabiting four distinct villages. Klakwan, on the Tschilkat River, is the principal place, containing 65 houses and from 500 to 600 inhabitants. The Tschilkats always enjoyed the highest esteem among the Tlinkit and neighboring tribes, and seem to have on that account occupied a position of sovereignity among some of the other tribes. Chief Ilchak, whose name has been mentioned, was undoubtedly a Tschilkat. Their trading expeditions extend as far as Fort Selkirk, on the Yukon, which they destroyed in 1851. They have given up trading with Yacutat Bay.

The village, Klakwan, situated as it is above the mouth of the shallow Tschilkat, accessible only by canoes, protected it for a long time against the visits of Europeans and at the same time imparted to the inhabitants a feeling of safety which manifested itself in a defiant and self-conscious attitude toward the whites.

In 1880 the Northwest Trading Company established a trading post on the northwestern branch of the Lynn Canal, and in the following year a mission was opened there. At Klakwan also a missionary post was established in 1882, but soon after transferred to Labouchère Bay, on the Tschilkat side.

[P. 103.] The Taku-kon is another of the Tlinkit tribes adjoining the tribe of the Aks. The settlements of this tribe are at the entrance to Taku Bay and along the Taku River. From their river settlements the Taku Indians journey up the river and thence over moderately lofty passes toward the Yukon tributaries in order to trade with the Indians of the interior, like the Tschilkats. * * *

Formerly the Stakhin Indians, like the Tschilkats and Takus, carried on a lively trade with the Indians of the interior, but this has almost entirely ceased on account of the easy means of gain which the white settlers offer the Indians. The Stakhins are said to travel overland to

Fort Simpson in following the course of the Iskut, a tributary of the Stahkin River and the Nass River. * * *

The Klawak tribe is very small, numbering only about 27 heads. This figure of the Census Office may, however, not be reliable. Their village, consisting of a few wretched huts, lies in the interior along a winding inlet of many windings and rich in small islands. In their vicinity the Americans have started a salmon cannery. * * *

Each of the 13 Tlinkit tribes is composed of several families, each family having an animal for a coat of arms. The families comprise two groups—the raven group and the wolf group.

* * * * * * *

The most important of all the families is the Kagontan, with headquarters at Klakwan, the largest of the Tschilkat villages. This family was formerly settled near Ledjanow Promontory, at a place called Kaknan, which may possibly be identical with the Gandekan of the Hunas. The present chief of the Kagontan family in Klakwan, old Tschartritsch, asserted, however, that his ancestors had come over from Sitka.

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MISSIONS AND ENDEAVORS OF CIVILIZATION.

The system of missions and schools which had been steadily flourishing in Alaska among the Tlinkit and other Indian tribes received a serious check when, in 1867, that country passed into the hands of the United States. The Russian schools at Sitka were closed and nothing was done by the American Government for the establishment and maintenance of new ones. Not until ten years afterwards was there a reawakening of missionary activity, the Board of Home Missions of the Presbyterian Church having taken the initiative in this matter. Similar missionary efforts, which had been crowned with success during a number of years in the adjacent British territory among the Tchimssi Indians, lent an impulse to American endeavor, it being of the utmost importance to the development of the entire Indian population of the northwestern coast in view of the lively intercourse of the tribes with one another.

TRADING HABITS.

Simpson reports, in regard to the Secatquonays, a Tlinkit tribe settled near the mouth of the Stakhin River, that they made trips into the interior to obtain furs for trading. Three or four times a year, it is said, they would go to some place in the interior that had been designated as a market place and was about 60 miles (English) from Lake Dease and 150 miles from the seacoast and was inhabited by Niharnie Indians. These were under a female chieftain, who, in the winter of 1838–39, kindly received the trader Campbell, who had probably been expelled from the newly established trading post by the Indians on the seacoast. The same female chief occasionally journeyed to the seashore, and on such occasions was, quite as much as Campbell had been, an object of great jealousy on the part of the Secatquonays.

The Taku Indians likewise carried on in Simpson's time quite a profitable trade as middlemen with the inhabitants of the interior by ascending the river in canoes for 100 miles (English), in spite of the strong currents, and then by traveling on foot a similar distance to the market place in the interior.

On returning to his home the Tlinkit Indian is by no means anxious and in haste to sell his skins and hides to white traders. Weeks and even months pass before he conveys his entire stock to market. He does not care to sell a quantity of skins at one time, and each skin must be bartered separately, which sometimes takes hours. Several times one heavy bearskin was carried the long distance of 30 kilometers, from Klotwan to the trading post and back, because no agreement could be reached as to the price. Sometimes the women do the trading, and are harder to drive a bargain with than the men. Trickery is frequently resorted to by the Tlinkit, and is considered fair by him, but his artifices are often very awkward. The Tschilkats, for instance, requested during our presence that the Indian wife of the trader Dickinson should not be present while they were bargaining with us, pretending that she would advise her husband to pay too little for the skins, while the real reason was that her knowledge of the Indian language enabled her more readily to detect any fraud they might attempt to practice.

As every tribe has its own hunting and fishing grounds, so has each tribe its own commercial roads, so to speak. The Tschilkats go up the Tschilkat River, the Tschilkuts by way of the Dejé Pass, and only by long negotiations can the itinerary be changed. There is also a sort of contract existing between Tlinkit and Gunana Indians, in accordance with which the latter must deliver their skins to a certain customer, by which arrangement they are heavy losers and are treated by the Tlinkit scarcely better than slaves.

[P. 244.] Fernandeste, a chief of the Stakhins, who had been summoned to attend a trial at Portland, committed suicide on the way, because he was worried, it is said, over his destiny. His relatives demanded indemnity of General Howard in 1875, saying that they would be denounced as cowards for not avenging Fernandeste's death. To pacify the Stakhins, General Howard gave them 100 blankets and surrendered to them the body of the suicide. Subsequently a great expedition festival was celebrated by the Indians, in which all the incidents of the affair were symbolically represented. (See House Ex. Doc. No. 83, Forty-fourth Congress, first session.)

MORE ABOUT MISSIONS AND CIVILIZING THE INDIANS.

[P. 337.] An energetic missionary movement was started in Alaska in 1876. Nine Tschinssian Indians from Fort Simpson had come to Fort Wrangell, near the mouth of the Stakhin River, to cut wood for the military post. During their stay they kept the Sabbath regularly by divine service, and were aided in this by the commandant, who conceded a room to them wherein to conduct their service and procured hymn books for them. When they were ready in the fall to return to their homes, the leader of the Indians, named Clah, and known as McKay, was persuaded to remain and to open a school, which was attended not only by children but by many adults. The zeal of these people was so great that one of the soldiers of the fort addressed a letter to Major-General Howard expressing the wish that some society might become interested in the undertaking and send a professional teacher to Fort Wrangell. By the publication of this letter in all the missionary journals circulated in Alaska a general interest was awakened.

In 1877 Dr. Sheldon Jackson, by direction of the Presbyterian Board of Home Missions, visited southeastern Alaska, accompanied by Mrs. McFarland, also a missionary, who at once assumed charge of the school at the fort. The McFarland home for girls was founded during the following year to prevent the sale of girls by their parents to gold seekers and traders. The home had 30 inmates, and the school connected therewith and in charge of a Miss Dumbar was attended by 60 pupils. A church was built in connection with these institutions, with Rev. S. H. Young as preacher. The large number of pupils that came to Fort Wrangell from other Indian tribes were taught on the shore by Dr. Corliss and Rev. Young.

Other schools were opened elsewhere and rose to importance, particularly in consequence of the assistance and support tendered them by Captains Beardslee and Glass, of the U. S. Navy, stationed in Alaskan waters.

Then came the establishment of schools and missions among other Indian tribes of the Tlinkit in southeastern Alaska, in 1880. At Tschilkat, a trading post, a school was opened by Mrs. Dickinson (already mentioned elsewhere), which in the following year was taken charge of by Rev. Willard. In 1882 it had 70 pupils.

In the Tschilkat village Klokwan 60 children were taught in a house provided by the Indians, by a half-breed Indian named Paul and his Indian wife, who had been educated at Fort Wrangell.

In connection with the trading station of the Northwestern Trading Company at Gandekan, a Mr. Styles opened a school in 1880 containing 80 pupils, and in the summer of 1881 Rev. Dr. Corliss opened a school in a fishing village of the Taku Indians on the Taku River some distance from its mouth.

The mission field in southeastern Alaska is not, however, entirely in the hands of the Presbyterian Church. The Russian Government maintains a priest in Alaska who looks to the interests of the Greek Church, the faith of which has been embraced by quite a number of Indians from various tribes, and now and then proselytes are made everywhere.

Almost all the Tlinkit tribes are favorable to the establishment of missions and schools, if only from sordid motives or from emulation, and it is not difficult to persuade them to give their active support to both church and school and to keep the Sabbath, except when loss of time in fishing would mean the impairing of the means of livelihood.

From The Chilcat territory in Alaska, by Dr. A. Krause. (In German Geographical Publications, Bremen Geogr. Soc., 1882.)

[Translation.]

[P. 345.] More accurate information regarding the Chilcat territory was received through Davidson (United States Coast Survey, 1869; Appendix 177), who during the summer of 1869 remained for a short time at the lower part of the Chilcat River in order to observe a total solar eclipse. He it was who determined the exact location of Pyramid Island at the mouth of the Chilcat River and of the Indian village Kloquan farther up on the same river.

Since the transfer in 1867 of Russian North America, by purchase, to the United States, a throng of adventurers, gold seekers, and traders in all sorts of goods has been pouring into southeastern Alaska, the Sitka district; but the more remote Chilcat territory has only been recently explored by them. In 1880 a trading post was established on the shores of Portage Bay, by the Northwestern Commercial Company, and this was followed in 1881, in the same locality, by a mission building and schoolhouse by the Presbyterian Home Mission. At the same time gold seekers appeared at the Lynn Canal. From the mines at the Feather River, in British Columbia, they had pushed farther and farther north in quest of the precious metal. For a decade or more the Cassiare Mines, situated beyond the Pacific watershed near the rise of the Dease River had been alluring to thousands of gold diggers who made Fort Wrangell, in Alaska, the base of their inland journey and partly also their winter quarters. Now those mines are almost deserted, while in 1880 at the southern part of the Lynn Canal, at the Gastineaux Canal, between Douglas Island and the continent, gold was found in paying quantity, which has resulted in the rise there in the primitive forest, of a small gold-digger town, named Juneau, where in the summer of 1882 about 300 whites and a number of Indians were busy with quartz crushing and washing of the auriferous ore.

During the last three summers, moreqver, smaller parties of gold seekers passed from the northern end of the Lynn Canal along the old Indian trail, penetrating into the interior as far as the Yukon. During the past years there were altogether 24 persons, forming three parties, some of whom intended to winter in the interior in order to be able to start on their journey early the following year. So far as I know these were the first white men that reached the Yukon by that route. It has been reported, it is true, that the Hudson Bay people, who, late in the thirties, first entered on the Yukon territory at the Pelly River, had encountered a company of Russian traders on the banks of the Russian lake Tahco (or Kussooa), from which the Lewis River flows. In such a case these traders could have come only from the Chilcat region or the valley of the Taku River, or maybe by Russian traders the report only meant Chilcat Indians (Kaloshs), who had come with Russian wares from the coast. In favor of this interpretation is at least the well-known jealousy with which this powerful tribe, formerly more than at present, endeavored to protect trade with the inhabitants of the interior as their own monopoly.

The cartography of the Lynn Canal is based at this very date chiefly on the surveys of Vancouver's lieutenant, Whidby, made in July, 1794, by a few boats of the *Discovery*. In 1838 a certain Lindenberg, who was in the Russian service, started on an exploring expedition to the northern part of the Lynn Canal, which resulted in the publication by him of a chart of the mouth of the Chilcat River. I have never seen that chart, but I have seen an English chart of 1853, prepared chiefly from Vancouver's reports making use of the latest Russian surveys. To judge from this, no improvement has resulted for the northern part of the Lynn Canal. In 1880 a new survey was made of the Lynn Canal by Lieutenant Symonds, of the U. S. S. *Jamestown*, during his expedition to the upper Chilcat village, Kloquan. The chart embodying his observations and inquiries (225, U. S. Hydrographic Office, 1882) shows a number of valuable details regarding the northern part of the Lynn Canal, especially as regards the location of Indian villages, num-

ber of inhabitants, the existence and location of two large fresh-water lakes, and of the narrow Dejah Fiord in the northeast (Tyya Inlet on the map). As for the rest, the map merely represents a preliminary investigation, rendering it difficult at times to identify some of the numerous places only recently become known.

The mapping out of the Chilkat River, which on this occasion was navigated for 30 miles above its mouth, is little to be relied on, and so far as that part is concerned, which he himself did not see, but which was drawn in accordance with information furnished by natives—namely, its upper course and connection with the Kussooa River—it is totally incorrect.

POPULATION OF THE CHILCAT TERRITORY.

It is proper to add a few words regarding the native population of Chilcat. The Indians form a particular tribe—Chilcat-kon—of the nation of the Tlinkit, whose abodes extend from the southern point of Prince of Wales Island to Yacutat Bay, including both islands and continent. There are four Indian villages in this territory—one of 16 houses and 171 inhabitants, at the mouth of the Chilcat River, named Jendestaka; another, some 20 miles farther north, which is the largest; Kloquan, consisting of 65 houses with 558 inhabitants; not far from this a third, Katkwaltu, of 11 houses and 125 inhabitants; and a fourth, the Chilcoot village at the outlet of Lake Chilcoot, having 8 houses with 127 inhabitants; and a hamlet, Tanany, of 2 houses and 20 inmates. Since the establishment of the factory and mission on Portage Bay the inhabitants of Chilcoot and Jendestaka have built for themselves small dwellings in very close proximity, but in the spring they always return to their old villages.

From time immemorial, or at least long prior to any acquaintance with white settlers, the Chilcat Indians have had commercial intercourse with the inhabitants of the interior, a tribe of the Tuineh nations, called by them Gunanah. The products of the latter are probably the same as formerly, namely, skins and leather; the wares furnished in exchange by the Chilcat Indians being such as they obtain from white traders, especially firearms and ammunition, knives and axes, blankets and dress goods, and occasionally whale oil and a sort of liquor of their own distillation, which they make out of fermented solutions of sirup or molasses. When the Hudson Bay Company extended its trading posts from the Mackenzie to the Yukon, the profitable trade of the Chilcat Indians was seriously damaged. The destruction of Fort Selkirk, which took place in 1851, was therefore, in all probability, the retributive work of the Indians. Frequently some of the Indians from the interior visit their trader friends, but never would these permit them to commence trading with white persons, for they would at all hazards, even if it required force, preserve for themselves the intermediate trade and the profit connected therewith.

APPROPRIATION FOR CESSION OF ALASKA TO THE UNITED STATES.

[15 Stat. L., p. 198.]

CHAP. CCXLVII.—AN ACT making an appropriation of money to carry into effect the treaty with Russia of March thirtieth, eighteen hundred and sixty-seven.

Whereas the President of the United States, on the thirtieth of March, eighteen hundred and sixty-seven, entered into a treaty with the Emperor of Russia, and the Senate thereafter gave its advice and consent to said treaty, by the terms of which it was stipulated that, in consideration of the cession by the Emperor of Russia to the United States of certain territory therein described, the United States should pay to the Emperor of Russia the sum of seven million two hundred thousand dollars in coin; and whereas it was further stipulated in said treaty that the United States shall accept of such cession, and that certain inhabitants of said territory shall be admitted to the enjoyment of all the rights and immunities of citizens of the United States; and whereas said stipulations can not be carried into full force and effect except by legislation to which the consent of both Houses of Congress is necessary: Therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, appropriated, from any money in the Treasury not otherwise appropriated, seven million and two hundred thousand dollars in coin, to fulfil stipulations contained in the sixth article of the treaty with Russia, concluded at Washington on the thirtieth day of March, eighteen hundred and sixty-seven.

Approved, July 27, 1868.

PROVISIONS RELATING TO THE UNORGANIZED TERRITORY OF ALASKA.

[Revised Statutes of the United States, 1875, chapter 3.]

Sec.

1954. Customs, &c., laws extended to Alaska.
1955. Importation of firearms and distilled spirits may be prohibited.
1956. Killing of fur-bearing animals prohibited.
1957. What courts to have jurisdiction of officers.
1958. Remission of fines, &c.
1959. Saint Paul and Saint George Islands declared special reservations.
1960. Killing of seal upon them prohibited except in certain months.
1961. Killing of certain seal prohibited.
1962. Limit to number of seals to be killed.
1963. Right to take seal may be leased.
1964. Bond.
1965. Who may lease.
1966. Covenants in lease.
1967. Penalty.
1968. Penalty upon lessees.
1969. Tax upon sealskins.
1970. Lease may be terminated.
1971. Lessees to furnish copies to masters of their vessels.
1972. Certain sections may be altered.
1973. Agents and assistants to manage seal fisheries.
1974. Their pay, &c.
1975. Not to be interested in right to take seals.
1976. Agents may administer certain oaths and take testimony.

SEC. 1954. The laws of the United States relating to customs, commerce, and navigation are extended to and over all the mainland, islands, and waters of the territory ceded to the United States by the Emperor of Russia by treaty concluded at Washington on the thirtieth day of March, anno Domini eighteen hundred and sixty-seven, so far as the same may be applicable thereto.

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[Act approved July 27, 1868.]

[Supplement to the Revised Statutes of the United States, Vol. I, second edition, 1874-1891.]

CHAPTER 53.—AN ACT providing a civil government for Alaska; approved May 17, 1884.

Sec.

1. Seat of government at Sitka.
2. Governor to be appointed.
3. District court; jurisdiction.
4. Clerk, district attorney, and marshal.
5. Commissioners; four to be appointed.
6. Marshal's powers.
7. Laws of Oregon adopted.
8. Land district, with office at Sitka; mining laws to apply; missionary stations confirmed.
9. Officers; their appointments.
10. Public buildings.
11. Laws to be compiled by Attorney-General, printed and distributed.
12. Commissioners to examine and report on condition of Indians, lands etc.
13. Education of children.
14. Existing laws for Alaska to remain in force except, etc.

GEOGRAPHICAL AND TOPOGRAPHICAL INFORMATION RELATIVE TO SOUTHEASTERN ALASKA.

MAPS AND CHARTS.[a]

1. (1796.) "A map exhibiting all the new discoveries in the interior parts of North America" by A. Arrowsmith, Jan. 1, 1795. Additions to 1796.

This map having been issued before the publication of Vancouver's discoveries, the delineation of the Northwest Coast is quite inadequate. Vancouver Island is represented as a part of the continent, and while Dixon Entrance is shown, the islands and passages to the northward are very incorrectly drawn.

2. (1802.) "Charte von Nordamerica nach den neuesten Bestimmungen und Entdeckungen (Map of North America according to the latest determinations and discoveries), von C. G. Reichard, Weimar, 1802."

This map apparently belongs to Reichard's "Atlas des ganzen Erdkreises." The delineation of the Northwest Coast is much the same as on the circumpolar map in that atlas. This map, however, shows as Spanish territory all of the continental coast up to the Strait of Juan de Fuca and also Vancouver, Queen Charlotte, Prince of Wales, and Revillagigedo Islands, while all the rest of the coast, from the head of Puget Sound to Cook Inlet, where the map terminates, is shown as part of British America. Portland Canal is so named and the supposed coast range is indicated.

3. (1803.) "Atlas des ganzen Erdkreises," etc. Chr. Gottlieb Reichard, Weimar, 1803.

Contains a map showing the region around the North Pole and as far south as 45° north latitude (and farther south in the corners of the map). This map gives a good though rather small scale representation of the Northwest Coast. Portland Canal and Lynn Canal are named, and a range of mountains, substantially parallel to the coast, is indicated. Vancouver's nomenclature is followed, in general. There is no distinction of territories by tinting.

4. (1808.) Cary's New Universal Atlas, London, 1808.

The map of America gives a fairly good representation of the Northwest Coast. Norfolk Sound is named, but there is no mention of New Archangel. Mount St. Elias is placed at about 139° west longitude. There is also a separate map of North America, on a larger scale, which follows the same lines with a little more detail. Observatory Inlet and Lynn Canal are named. There is no indication of any Russian possessions on either of these maps.

5. (1811.) Map exhibiting new discoveries in North America. By A. Arrowsmith.

The Northwest Coast is the same as in the edition of 1802.

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[a] The maps and charts listed will be produced before the tribunal, or, if the originals can not be so produced, then duly authenticated photographic copies will be submitted.

6. (1814.) "Charte von Nord-America. Weimar, im Verlage des Geograph. Instituts."

This is a rather small and crudely drawn map, but it shows and names Portland Canal and also shows a distinct coast range.

7. (1814.) Neele's General Atlas, London, 1814.

Map 39, North America, shows the supposed coast range of mountains, but otherwise lacks detail. Portland Canal is shown but is not named. The scale of the map is very small.

8. (1814, June.) Map exhibiting new discoveries in North America. By A. Arrowsmith.

Same as previous editions.

9. (1814.) Thomson's New General Atlas, Edinburgh, 1814. North America, loose sheet from above atlas. Scale about 200 miles to an inch.

Has a fair representation of the Northwest Coast. Does not name Portland Canal, but shows a definite mountain range along the coast.

10. (1816.) H. Brué's Grand Atlas, Paris, 1816.

This map gives the then supposed limits of the Russian territory as on Brué's other maps of this period (curving across the continent from near Cape Fanshaw to the Mackenzie River and down that stream to the Arctic Ocean). Map. 27, Northwest Part of North America, gives a good representation of the coast and gives the names, "Can. Portland" and "Can. de Linn."

11. (1819.) Map exhibiting new discoveries in North America. By A. Arrowsmith.

Same as previous editions, except that it is not tinted.

12. (1819.) H. Brué's Atlas, Paris (first published in 1815).

Portland Canal is shown and named.

13. (1821.) New General Atlas, John Thompson, Edinburgh, 1821.

Map 53, North America, shows the Northwest Coast fairly well. A range of mountains parallels the coast from Puget Sound to Taiya Pass. Observatory Inlet and Lynn Canal are named, but not Portland Canal. No indication is given of the Russian possessions.

14. (1823.) Map of North America. James Wyld, London.

Shows the British territory as extending from Possession Sound to the head of Lynn Canal, on the east side. Northwest of Lynn Canal the territory is shown as Russian, and south of the Strait of Fuca the territory of the United States is indicated. The name Portland Canal appears on this map.

15. (1824.) Map exhibiting the new discoveries in North America, by A. Arrowsmith, first published in 1795 and corrected to 1824.

This edition shows about the same features of the Northwest Coast as the previous editions examined, but the name of the Portland Canal is given. This seems to be the only important correction in the coastal region, though there are a large number of manuscript additions in the Mackenzie Valley and elsewhere. These may, of course, have been subsequently added. The coast is tinted red, presumably to indicate territory claimed for Great Britain, from the Columbia River to the head of Lynn Canal (east side only), including all islands south of Cross Sound. Beyond Lynn Canal the coast is colored yellow, apparently as Russian territory.

16. (1826.) New American Atlas, H. S. Tanner, Philadelphia, 1826.

This has a large map of North America, which shows the territory west of the Rocky Mountains and south of 54° 40′ as part of the United States. The edge of this region is marked "Boundary of 1824." The parallel of 49°, east of the Rocky Mountains, is marked "Boundary of 1818." The territory of the United States is colored yellow, the British possessions pink, and those of Russia green. The line between the British and the Russian possessions is marked "Boundary of 1825." The boundary follows the usual continental course from the Arctic Ocean to the head

of Portland Canal. Mount St. Elias is located fully 1° east of the meridional part of the boundary, which is in the correct longitude. The title of this map is "A map of North America, constructed according to the latest information, by H. S. Tanner. Improved to 1825." Date of original entry and publication, 1822.

17. (1827.) New General Atlas, Edinburgh, John Thompson & Co. 1827.

The map of North America shows a distinct range of mountains along the coast, but shows no boundary line whatever. The name of Portland Canal does not appear.

18. (1827–1834.) Map No. 60, from Piadischeff's Atlas of the Russian Empire, published at St. Petersburg between 1827 and 1834.

This map shows the boundary between Russian and British America as usually drawn. It formerly belonged to Senator Charles Sumner, and was given to the Harvard Library by him in September, 1867. This is probably the map upon which M. de Stoeckl explained to Mr. Sumner the limits of the Russian possessions, as mentioned in the note introductory to Mr. Sumner's speech on Alaska in Vol. XI of his collected works, Boston, 1877. The original map, duly authenticated, will be submitted to the Tribunal for inspection.

19. (1829.) Historical Account of Discoveries and Travels in North America, 2 vols. Hugh Murray, London, 1829.

In volume 1 is a map on a small scale, with few details, upon which the Russian boundary is represented as a continental line and substantially as usually drawn, except that the boundary is carried along the west shore of Portland Canal instead of following its center line.

20. (1830.) Atlas, etc., by Sidney Hall, London, Longmans, 1830. Map 45, British North America. April 1, 1829.

Shows the Russian boundary as usually drawn and marked "Boundary settled, 1825." Mount St. Elias is correctly located. Norfolk Sound is given, but there is no mention of New Archangel. Lynn Canal is named, but not Portland Canal or Observatory Inlet. The United States boundary comes up to 54°, taking all of the mainland down to 42°, but Vancouver and Queen Charlotte Islands are given to Great Britain.

21. (1830.) Edinburgh Encyclopædia. Edition of 1830.

This work contains a map of North America which does not indicate the boundary of the Russian possessions, but which shows a definite range of mountains paralleling the coast of Southeastern Alaska.

22. (1830.) New General Atlas. Sidney Hall, London, 1830.

Map 45. British North America. This is rather a small scale map, but the Russian boundary is shown as usual. Portland Canal is not named. There is no definite mountain range along the coast. Pearse Island is apparently shown, on the Russian side of the inlet, but Wales Island is not indicated.

The edition of 1857 is about the same in regard to the coast line and the boundary, though it has many additions in the interior.

23. (1831.) "Map of the northern part of North America, compiled from the latest and most approved astronomical observations, authorities, and recent surveys * * * by Joseph Bouchette, Junr., Deputy Surveyor General of the Province of Lower Canada. May 2, 1831."

The boundary of the Russian territory on this map is somewhat rudely drawn, having very few inflections to follow the sinuosities of the coast, but it is correct in all essential matters, following a course, at some distance from the sea, from Mount St. Elias to the head of Portland Canal.

24. (1831.) Society for the Diffusion of Useful Knowledge. A series of maps, modern and ancient. London, Baldwin & Cradock.

Map No. 5, "Circumjacent the North Pole, June, 1831," shows the boundary of Russian territory with substantial accuracy, though on a very small scale. None of the canals are named, and very little detail is given.

25. (1834.) Map of British North America, by J. Arrowsmith.

This shows the customary continental line between the dominions of Russia and Great Britain, but does not trace it through the water passages.

26. (1836.) The British Cyclopædia of Literature, History, Geography, Law, and Politics, by C. F. Partington. London, Orr & Smith, 1836. Vol. I (III of whole set).

After page 160 there is a folding map of North America, on a very small scale. It shows the boundary of Russian America as usually drawn, from the Arctic Ocean to the head of Portland Canal, below which point no indication of the line of demarcation is given.

27. (1836.) New Universal Atlas, H. S. Tanner, Philadelphia, 1836.

The map of North America has a delineation of the boundary of the coast strip as usually drawn.

28. (1837.) Photographic copy of a large Russian plat of the Stikine River, sent from the United States embassy at St. Petersburg. The title of the map is "Plane map of the river Stachin from the mouth to the place selected by the English for a settlement."

A broken line, marked "Boundary between the possessions of Russia and England," runs across the river in a north and south direction, on the meridian of 131° 16′ west longitude. A written description attached to the map gives some further details concerning the river and the origin of this map.

29. (1838.) Atlas universel de géographie. Seconde édition. A. Brué, Paris, 1838. Chez Ch. Picquet.

"Carte générale de l'Amérique Septentrionale" gives the "Limite fixée en 1825" as running through Clarence Strait and Burroughs Bay; otherwise with substantial accuracy.

30. (1840.) J. Arrowsmith's Atlas, London, 1840.

Map 39, "America" (2 pages), shows the boundary of Russian America as usually drawn. Portland Canal is so designated. The British territory stretches south to the Columbia River.

Map 40, "British North America," is the familiar Arrowsmith map dedicated to the Hon. Hudson's Bay Company. Pearse and Wales Islands are shown and are correctly colored. The boundary line starts from the head of Portland Canal and runs, on the continent, to Mounts Fairweather and St. Elias.

31. (1840.) Black's General Atlas, by Sidney Hall. A. & C. Black, Edinburgh, 1840.

Map 45, North America, though on a small scale, gives the usual boundary of Russian America. New Archangel is given and named. The editions of 1841 and 1844 are about the same.

32. (1842.) "Carta generale dell' America Settentrionale, 1842, Napoli, Real litografia militare."

"America Russa" is shown by a blue tint around the borders and by a broken line running south from the Arctic Ocean to about 61° (well to the north of Mount St. Elias), thence curving to the southeast and then to northeast, swinging around Lynn Canal, then nearly straight to near Burroughs Bay, then down through Behm Canal and Clarence Strait to a point near C. Muzon. "Can. Lynn" and "Can. Portland" are both named. There is no definite mountain range near the coast, though there is some little plateau hachuring.

33. (1842.) Map of the Pacific Ocean, by J. Arrowsmith, February, 1842.

This is a general map on a small scale, not extending north of the latitude of Mount St. Elias. The boundary of the coast strip of Russian America is drawn in the usual way from the head of Portland Canal to the neighborhood of Mount St. Elias, but turns north a little east of that mountain, at about 139° west longitude. As before stated, the edge of the map stops here.

34. (1842.) A General Gazetteer, etc., originally compiled by R. Brookes, M. D., revised by A. G. Findlay, London, 1842.

This work contains a small scale map of North America, which shows the boundary line as usually drawn.

35. (1842.) Tanner's New Universal Atlas, Philadelphia, 1842.

The map of North America has the boundary as usually drawn.

36. (1842.) The London Atlas, J. Arrowsmith, London, 1842.

Map 39, America, is a general map of both North and South America on a small scale. The boundary of Russian America is correctly drawn.

Map 40, British North America, dedicated to the Hon. Hudson's Bay Company, is the same as usual. St. Elias is a little east of 141°. New Archangel is given. There is no line indicated in Portland Canal and Inlet, but Pearse and Wales Islands, which are quite distinctly shown, are tinted as Russian territory.

37. (1843.) The World on a Globular Projection, by Joseph Tracy. Published at Boston by Gilbert Brewster in 1843.

The drawing is very general, but the boundary of Russian America is shown with substantial accuracy.

38. (1843.) The National Atlas, A. K. Johnston, Edinburgh, Cowan & Co., 1843.

Map 37, North America, shows the boundary as usually drawn. A boundary drawn along the parallel of 54° 40′ bears the inscription, "Treaty between Russia and United States, 1824," and a note states that the country west of the Rocky Mountains from 42° to 54° 40′ is claimed by both Great Britain and the United States. The edition of 1851 shows the same conditions as then existing.

39. (1843.) Gilbert's Modern Atlas, by Robert Mudie, London, H. G. Collins, 1843.

The map of "British and Russian America" is on a small scale, but shows the boundary as usually drawn. Mount St. Elias is placed on the meridian of 140° west. Sitka is given. Portland Canal is not named.

40. (1844.) Maps of the Society for the Diffusion of Useful Knowledge, London, 1844.

Map 127, North America, is a small scale general map. The "Boundary 1825" is shown from the Arctic Ocean to the head of Portland Canal, which is so named. Pearse and Wales Islands are not shown.

Map 128, "British North America," shows the boundary as running through Clarence Strait and Burroughs Bay, but otherwise as usual. The name Portland Canal does not appear on this map.

41. (1844.) Russian Admiralty Map. Chart of the Arctic Sea and the Eastern Ocean.

The boundary line is shown as usual from the Arctic Ocean to the head of Portland Canal, but is not indicated in the water passages. Mount St. Elias and the Portland Canal are both named.

42. (1844.) The National Atlas, by A. Keith Johnston, Edinburgh, etc., 1844.

Map 37, North America, though on rather a small scale, has a representation of the boundary of Russian America which is correct in all essential particulars.

43. (1844–1871.) An Atlas of Modern Geography, by Samuel Butler, D. D., London, Longmans, 1844.

Map XIX, North America, is a very small map of the whole continent. The boundary of Russian America is fairly well shown, but runs to Burroughs Bay. It is not indicated in Behm Canal and Clarence Strait and the tint used for the Russian territory is continued on the continent to Portland Canal, or farther. Mount St. Elias is approximately correct. The names "New Archangel" and "Lynn Canal" appear on the map.

In the 1871 edition of this atlas, Map XXIV, North America, has the line as usually drawn to Portland Canal. From the Taku River to a point near Portland Canal the dotted boundary line is replaced by a mountain range running nearly in a straight line.

Map XXV, British North America, has a better representation of the line, which is indicated throughout its length. Its southern terminus is at a river, which runs into the head of Portland Canal. The name "New Archangel" is given.

44. (1844–1899.) Russian Admiralty Chart No. 1345, "General chart of the Arctic and Pacific, Middle Sheet." The title reads: "Chart of the Icy Sea and of the Eastern Ocean, compiled from the latest surveys at the Hydrographic Department of the Marine Ministry, 1844, revised to 1899."

This shows both the eastern and the western boundaries of Alaska, the eastern being marked "Former boundary between Russia and England, etc."

45. (1848.) Russian Admiralty Chart No. 10 of Eastern Ocean. Title: "Mercator chart of the Eastern Ocean with the Northwest Coasts of America and the adjacent Koloschensk Archipelago. Compiled from sundry journals and maps, and engraved at the Hydrographic Department of the Marine Ministry, 1848."

An inset map of Chilkat Inlet, here called the "Mouth of the Chilkat River from the map of G. Lindenberg, 1838," is given on this map.

46. (1849.) "Map for the treatise on the geognostic and orographic condition of the Northwest Coast of America and of the adjacent islands, based on the charts of the Hydrographic Department of the Marine Ministry at St. Petersburg, by C. Grewingk, 1849," contained in the work entitled "Contribution to the knowledge of the orographic and geognostic condition of the Northwest Coast of America, with the adjacent islands." St. Petersburg, 1850. (In German.)

On this map the boundary of Russian America is drawn much in the usual way from the Arctic Ocean to the head of Portland Canal. The meridional part of the boundary is placed a little east of 141° and Mount St. Elias is much too far east. The boundary is marked "Russian-English boundary according to the agreement of 1825."

47. (1849.) "The Hudson's Bay Territories and Vancouver's Island," etc., by R. M. Martin, esq., London, 1849.

A map in the front of the book shows the boundary from head of Portland Canal northward, but is on too small a scale to show much detail. Portland Canal is called Portland Inlet.

In Part I we read: "The northwest territories of British America, exclusive of Canada, extend from the Pacific Ocean and Vancouver's Island along the parallel of the 49th degree of north latitude, near to the head of Lake Superior, and thence in a northeasterly direction to the coast of Labrador and the Atlantic. The Arctic Ocean forms the northern boundary. The whole region includes the meridians of 55 and 141 degrees of west longitude excepting a strip of Russian territory on the Pacific Ocean, between 54° and 60° north latitude, following the sinuosities of the coast for ten leagues in breadth, as shown in the accompanying map by Arrowsmith."

The title of the map, however, is: "Map of the British Possessions in North America, exhibiting the recent discoveries, geographical and nautical, by James Wyld, geographer to Her Majesty." On page 29 the author refers to the Russian-American Fur Company and to their lease of "the continent assigned to Russia" to the Hudson's Bay Company from June 1, 1840, "extending from 54° 40′ north to Cape Spencer, near 58° north."

48. (1850.) The National Atlas, by A. Keith Johnston, Edinburgh and London, 1850.

Map 37, North America, has the boundary of Russian America correctly drawn and marked "Boundary settled by treaty of 28th Feb'y, 1825, between Russia & England."

49. (1850.) Descriptive Atlas, by Rev. Thos. Milner and A. Petermann, London, 1850.

The map of North America on page 161 has the boundary of the Russian possessions as usually drawn.

50. (1850.) A Modern Atlas. A. G. Findlay. London, 1850.

Has a map of North America, which is on a small scale, but which shows the usual boundary of Russian America.

51. (1850.) The World on Mercator's Projection, by David H. Burr. Published at Boston by J. Haven, 1850.

The scale of this map is small, but the continental boundary of Russian America is shown with substantial accuracy.

52. (1851.) Geographical Atlas of the Russian Empire. (Text-book for the use of the Military Academy.) St. Petersburg, 1851. Folio.

The title as above is from the catalogue of the library of the Imperial University of St. Petersburg. The copy cited has no title page, but the dedication reads: "To his Imperial Highness * * * Alexander Nikolaevitch, the commander in chief of the military academy * * * dedicates A. Voshtchinin, captain of the topographic corps." Upon the maps in this atlas the boundary is represented as usual.

53. (1851.) Map illustrating the progress of explorations in the Russian Empire, published in the "Bulletin de la Société de Géographie" for the second half of the year 1851, fourth series, vol. 2, following p. 140. The title reads: "Map attached to the Proceedings of the Imperial Geographic Society of Russia for the year 1850."

The scale is small, but the drawing is distinct. The boundary of Russian America is shown in the usual way from the Arctic Ocean to the head of Portland Canal, the name of which is given.

54. (1851.) Arctic Searching Expedition, etc., by Sir John Richardson, C. B., F. R. S. London, Longmans, 1851, 2 vols.

In the front of vol. 1 there is a map of British North America, drawn by S. Hall. The limit of the Russian territory is marked "Boundary settled 1825." Mount St. Elias is in about the right longitude, but is too near the sea. The boundary is drawn well back of that and also of Mount Fairweather. New Archangel is not given. Observatory Inlet is named.

55. (1852.) Lowry's Table Atlas. London, 1852.

Map 83, British North America, is rather small, but shows the Russian boundary correctly.

56. (1852.) Journal of Royal Geograph. Society, London, 1852, Vol. XXII, p. 174, map of British North America (by John Arrowsmith) to illustrate a Paper, on the means of Communication with the Pacific Ocean, by Capt. M. H. Synge, R. E.

This map is drawn on a very small scale. The coast of Russian America is shown as far north as the Fairweather region (including the whole of Lynn Canal by overrunning the margin a trifle). The boundary line is carried only to the margin, at a point about north by east from the head of Taku Inlet. The boundary, so far as indicated, is the usual one from the head of Portland Canal, parallel to the coast. The name of Russian America does not appear. The only names given in this region are: "New Archangel," "Portland Cl.," and "Observatory Inlet."

57. (1852.) New General Atlas of Modern Geography, by James Wyld, London, 1852. Large folio.

Map 58, North America, has the boundary correctly drawn to the head of "Portland Inlet," as the passage is denominated on this map.

58. (1852.) Map of North America by J. Calvin Smith. Published by J. Disturnell, New York, 1852.

This map is on a rather small scale, say 200 miles to the inch. It shows the boundary of Russian America correctly, but does not name the canals or carry the boundary out to sea. No definite mountain range is indicated. Mount St. Elias and Mount Fairweather are given, and also some indications of mountains well back in the interior.

59. (1853.) A School Atlas of general and descriptive geography. Alex. Keith Johnston, Edinburgh and London, 1853.

Plate 18, North America, shows the boundary of Russian America as claimed by Russia and the United States.

60. (1854.) Travels in Siberia, by S. S. Hill, London, Longmans, 1854. 2 vols.

A map of the Russian Empire in vol. 1 includes the Russian territory in North America, the boundary between that and the British territory being correctly shown.

61. (1856.) Track Chart of the United States North Pacific Surveying Expedition, John Rodgers, U. S. Navy, commanding, 1854–1856.

This map shows the boundary of Russian America as it is given on the British Admiralty charts.

62. (1856.) Black's Atlas of North America: Edinburgh, Adam and Charles Black, 1856.

Map No. 1, North America, has the boundary of Russian America drawn as usual to the head of Portland Canal.

Map No. 2, British America, is about the same, though on a larger scale. This atlas is noteworthy for the fact that it shows the Yukon and Porcupine uniting to form the Kwichpak, the whole representation of the rivers being very good for that day.

63. (1856–1876). Stieler's Hand-Atlas. Gotha, Justus Perthes.

The map of North America, in the 1856 edition, has the boundary of Russian America drawn in the usual manner. The name of Portland Canal is not given.

In the 1876 edition the drawing is the same, except that the name Alaska is substituted for Russian America.

64. (1857). Wyld's Atlas. London.

The line is drawn as usual, in the same manner as in edition of 1852.

65. (1857.) Report from the select committee on the Hudson's Bay Company, etc., with maps. House of Commons, 1857. (Blue book.)

It contains three maps: (1) Map of North America drawn by J. Arrowsmith. The scale is about 200 miles to the inch. Although styled a map of North America, it includes only a small part of the United States. The boundary of Russian America is drawn in the usual way from the Arctic Ocean, at Demarcation Point, to the head of Portland Canal, where it terminates.

(2) Aboriginal map of North America denoting the boundaries and the locations of various Indian tribes. The authorship of this map is not stated. It is on about the same scale as map No. 1, but includes the whole of the United States. The customary boundary of Russian America is indicated by colored bands.

(3) "Map of the northwest part of Canada, Hudson's Bay, and Indian Territories. Drawn by Thos. Devine by Order of the Hon^ble^ Joseph Cauchon, Comm'r of Crown Lands, Toronto, March, 1857." Reproduced in the Atlas accompanying the Case of the United States. See map No. 19.

66. (1857.) "Map of N. W. part of Canada, Indian Territories, and Hudson's Bay. Compiled and drawn by Thomas Devine. Toronto, Maclear & Co., 1857. Canada—Crown Lands Department."

This is the same as No. 3 in last citation, but on a much larger scale.

67. (1857.) The Complete Atlas, London, Edw. Stanford, 1857.

Map 127, North America, shows the Russian boundary correctly from the Arctic Ocean to the head of Portland Canal, which is so named. There is no definite mountain range near the coast.

Map 128, "British North America," carries the boundary through Burroughs Bay and Clarence Strait.

68. (1858.) "British Columbia and Vancouver Island," etc., by William Carew Hazlitt, London, G. Routledge, 1858.

This volume contains a map of British Columbia, which at that time, under the organic act just passed, was bounded on the north by the "Simpson River." This map shows a small portion of the Russian boundary, from the head of Portland Canal to about the latitude of 56° 30′. The boundary is not drawn further south than the head of the canal. The text contains nothing bearing upon the Russian boundary.

69. (1858.) In Petermann's Mittheilungen for 1858 is a map of British Columbia.

It is on the scale of 1:4,560,000, and shows the general features of Russian America as far north as the head of the Portland Canal. The Russian possessions are tinted green around the shores, while the territory of British Columbia is pinkish. The Portland Canal is shown as the dividing stream.

70. (1859.) Map of British Columbia and Vancouver Island, etc., by John Arrowsmith, 1859, in the British Blue Book. "Papers relative to the affairs of British Columbia, Part II, London, 1859."

This gives the usual boundary as far north as the "Stekin River." It shows the boundary of Russian America from about the central part of Dixon Entrance (Prince of Wales Island is not shown, being too far west), up through Portland Inlet and Portland Canal to the head of that passage, and then in a sweeping curve around the head of Burroughs Bay and as far north as the Stikine River and the parallel of 57 degrees.

71. (1859.) British North America. London, J. Arrowsmith, 1859.

Similar to previous editions cited.

72. (1860.) H. Kiepert's neuer Hand-Atlas, Berlin, 1860. Sheet No. 36, "Nord-America." Scale, 1:20,000,000.

Shows the usual continental boundary line to the head of Portland Canal.

73. (1862.) "British Columbia and Vancouver's Island," etc., "by D. G. F. Macdonald, C. E., late of the Government survey staff of British Columbia and of the international boundary line of North America," etc. London, 1862.

This is one of the largest works on the subject. It contains a map by John Arrowsmith, 1862, which shows the boundary running through Portland Canal and out into Dixon Entrance to a point a little west of Devil Rock. Northward from the head of Portland Canal the line traverses the continent as far as the parallel of 57° N., which it crosses just north of the Stikine.

74. (1862–1867.) Johnson's New Illustrated Family Atlas, New York.

The map of North America has the boundary of Russian America correctly drawn. Very few names are given.

The edition of 1864 is the same.

The edition of 1867 is the same except that the name "United States Territory" appears in place of "Russian America."

75. (1864.) Cornell's Companion Atlas, New York, Appleton's, 1864.

The map of North America is crudely drawn, but the boundary line is correctly shown in a general way.

76. (1864.) Russian Admiralty Chart of the Arctic and Pacific Oceans. First published in 1844.

The boundary line is shown in the usual manner as on the first edition

77. (1869.) Atlas Universel, etc. Drioux et Leroy, Paris, 1869.

Contains a small scale map of North America, on which the boundary is correctly shown, but without much detail. Portland Canal is not named. Alaska is called "Région du nord-ouest—Aux Etats Unis.

78. (1870.) H. Kiepert's neuer Hand-Atlas, Berlin, 1870.

The boundary line of Alaska is given in the usual way, as on the edition of 1860.

79. (1871.) Butler's Atlas, London, 1871.

Map XXV, British North America, represents the Alaskan boundary in the usual manner.

80. (1877–1888.). "Atlas Universel de Géographie," etc. V. de St. Martin, Paris, 1877–1888.

The map "Océanie, 1887," a small Mercator chart of the Pacific, shows the boundary of Alaska correctly. Portland Canal is not named and no coast range is shown.

The map "Puissance de Canada," 1889, shows the boundary line correctly to the head of Portland Canal, which is marked "Can. Portland." The "Can." overlaps Pearse Island, but both that and Wales Islands are correctly tinted, and Pearse Channel is merely dotted through.

The map "Amérique Septentrionale," 1891, shows the same thing on a smaller scale. On this map Portland Canal is not named.

81. (1880.) Adolph Stieler's Hand-Atlas, Gotha, 1880.

Map 78, Nord-Amerika, has a correct representation of the Alaskan boundary, but does not indicate it in the water passages.

82. (1881.) Stieler's Hand-Atlas, Gotha, Justus Perthes, 1881.

The map of "Nord-Amerika" is on a small scale, 1:25,000,000, but shows the boundary of Alaska correctly, within the limits of the scale. Portland Canal is not named.

83. (1884.) Capitain Jacobsen's Reise an der Nordwestküste Amerikas, 1881–1883. A. Woldt, Leipzig, 1884.

Has quite a clear map on scale 1:11,500,000, upon which the boundary is correctly shown. The names of the canals are not given.

84. (1885.) Die Thlinkit-Indianer. Dr. A. Krause, Jena, 1885.

Has a map showing the distribution of the Indian tribes, upon which is indicated the greater part of the boundary of the coast strip, i. e., from latitude 61° to latitude 56° (nearly). Most of Portland Canal falls beyond the eastern limit of this map, but its mouth is shown and also the boundary running west therefrom past Cape Muzon. The boundary is marked "Grenze zwischen Alaska und Britisch Nord America." Scale of map 1:2,265,000.

85. (1895.) The "Boundary Atlas" submitted by the Joint Commission of 1893–1895 includes 13 maps furnished by the United States commissioner and 28 maps furnished by the Canadian commissioner, upon which are shown the geographical results obtained by the surveying parties which worked under the direction of the commissioners.

86. (1898.) "Nouveau Larousse," Paris, 1898. This is a late edition of the "Grand Dictionnaire Universel" of M. Pierre Larousse, published in 1866.

As in that publication, the treatment of Russian America, now Alaska, is but meager. In this edition a map of the territory is given which shows the boundary in about the usual way. This map is on a small scale.

87. (1900.) The ascent of Mount St. Elias by Prince Luigi of Savoy. By F. de Filippi. English translation, Westminster, 1900.

Has a handsome map of Alaska, showing the boundary as usual, entitled "Map of the north-west shores of North America (no date). Scale 1:3,500,000. Istituto Cartografico Italiano, Roma."

MISCELLANEOUS.

TRANSLATION OF EXTRACTS FROM THE "EXPLORATION OF THE OREGON TERRITORY," BY M. DUFLOT DE MOFRAS, PARIS, 1844.

Volume II, page 148: "Perez Entrance, which the English improperly call Dixon Entrance, lies between Queen Charlotte Island and Prince of Wales Archipelago. Cape Chacon, or Point Wales, at the southeast extremity of this archipelago, in latitude 54° 40′, forms the southern boundary of Russian America, which it therefore separates from the territory in dispute between England and the United States. As we have already stated, the line of demarcation, starting from Cape Chacon, runs from west to east as far as the coast inlet where it meets the Portland Canal, the right bank of which it follows. After reaching the end of this canal the line continues to the northwest along the peaks of the chain of mountains parallel to the sea, while preserving a distance from the coast of ten marine leagues, or one-half a degree, as far as Mount St. Elias, whence it extends to the Arctic Sea along the meridian of that peak. It is true that by a purely commercial arrangement the English Company has occupied since 1839 a part of the Russian territory, and has even established trading posts and forts in that territory; but this temporary occupation, which is to terminate in 1850, in no way affects the sovereignty of the Czar. We shall speak of these establishments, of which there are but few, in discussing Russian America and the Imperial Russian American Company."

Page 273: " * * * treaty in regard to boundaries concluded February 16 28, 1825, between the English and Russian Governments. The lines of demarcation are here perfectly clear.

The dividing line begins at Cape Chacon, the southern extremity of the large island of the Prince of Wales Archipelago, in latitude 54° 40′, and runs to the east toward Portland Canal, which it ascends to the fifty-sixth parallel. Thence it follows the summits of the chain of mountains which run parallel to the coast as far as the point where it cuts the one hundred and forty-first degree of longitude west from Greenwich (143° 20′ 24″ west of Paris)—that is to say, the western slope of Mount St. Elias—and thence it ascends to the north along this meridian to the Arctic Sea; but wherever the summit of the mountains shall be more than ten marine leagues distant from the coast, the line of demarcation shall run parallel to this coast, always keeping at a distance of ten marine leagues therefrom," etc.

EXTRACTS FROM A DIRECTORY FOR THE NAVIGATION OF THE PACIFIC OCEAN, ETC., BY ALEXANDER G. FINDLAY, F. R. G. S., LONDON. PRINTED FOR R. H. LAURIE, CHART-SELLER TO THE ADMIRALTY, ETC., 1851.

Part 1, Chapter XIV, Coast of British America, etc., page 431. "PORTLAND'S CANAL (so named from the noble family of Bentinck) diverges from Point Ramsden in a N. by W. ½ W. direction for about

5 miles; thence it bears in a more northerly direction 5 leagues farther, and then trends a little to the eastward of north, terminating in low, marshy land, in lat. 55° 45′, 70 miles from its entrance into Chatham's Sound. * * * The northern shore of the inlet, between Point Wales and Point Ramsden, is formed by several islands, behind which a channel runs parallel with the direction of the main inlet.

Observatory Inlet.—The principal inlet runs in a N. E. ½ N. direction, and at 21 miles above points Maskelyne and Wales the Portland Canal diverges from the principal one at Point Ramsden. Off this point are some dangerous rocks, only visible at low water, and opposite to it is a deep bay, with very shallow water all around it, except in the NE. part, where a branch enters, bringing down muddy water, which is distinguished flowing down the principal arm. Beyond this bay to the NE. the inlet is in general about half a league wide. The shores on both sides are straight and compact; a counter tide, or strong undertow, is felt here, which very much embarrasses a vessel."

Page 456: "Lynn Canal.—Beyond this the arm diverges into two branches, the west one terminating in its navigable part in latitude 59° 12′. At its head, according to Lisiansky's chart, is the native village of *Chilkat*. * * * This peninsula [Seduction Point] is a narrow strip of low land, 1 or 2 miles across, separating the western from the eastern arm, which extends N. by W. ¾ W. about 11 miles, and thence winds in a westerly direction about 3 miles farther, where it terminates in low land, formed immediately at the foot of high, stupendous mountains, broken into deep gullies, and loaded with perpetual ice and snow. * * *

Lynn Canal * * * receives a river, which the Indians ascend about 50 miles to a valley running toward Mount Fairweather and containing a large lake, which pours its waters into the open ocean at Admiralty Bay."

EXTRACT FROM THE "IMPERIAL GAZETTEER," PUBLISHED BY BLACKIE & SON, EDINBURGH AND LONDON, 1855, HAS THE FOLLOWING IN AN ARTICLE ON "RUSSIAN AMERICA."

"Russian America, according to the treaties with Great Britain and the U. States, in 1824 and 1825, comprehends all the American coast of the Pacific and the adjacent islands N. of the parallel of 54° 40′ N.; and the portion of the mainland W. of the meridian of 141° W., which passes through Mount St. Elias. Area, 435,957 geo. sq. m. The part of the mainland S. of Mount St. Elias consists of a narrow belt, which is continued along a mountain ridge parallel to the coast, and has nowhere a greater width than 10 marine leagues, or about 33 miles.

Letter of General Aid-de-Camp Crabbe.

(No. 4029, October 18, 1867.)

No. 2108.]

Hydrographic Department of the Ministry of Marine,

St. Petersburg, October 14, 1867.

To the Adjoint of the Minister of Foreign Affairs:

In reply to your excellency's letter dated October 10, No. 6783, I have the honor to inform you that the maritime frontiers are generally not

marked on maps: but as far as the former frontier between the Russian and British possessions in America is concerned, the agreement of 1825 defines it very exactly, as follows: Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54° 40′ of northern latitude, this line will ascend along the channel called Portland Channel to the point of the continent, where the land frontier, marked on all maps, commences.

General Aid-de-Camp CRABBE,
Directing the Ministry of Marine.

Director of Department, (signed) ZELENOY, Rear-Admiral.

Joint report of the United States and British commissioners on the Alaskan-Canadian boundary, December 31, 1895.

The undersigned, William Ward Duffield, on behalf of the United States of America, and William Frederick King, on behalf of Her Britannic Majesty, duly appointed commissioners under and by virtue of the first article of the convention of July 22, 1892, between the United States and the United Kingdom of Great Britain and Ireland, have the honor to submit the following joint report of our proceedings and transactions under the said first article of the convention, which reads as follows:

The High Contracting Parties agree that a coincident or joint survey (as may be found in practice most convenient) shall be made of the territory adjacent to that part of the boundary line of the United States of America and the Dominion of Canada dividing the territory of Alaska from the Province of British Columbia and the Northwest Territory of Canada from the latitude of 54° 40′ North, to the point where the said boundary line encounters the 141st degree of longitude westward from the meridian of Greenwich, by Commissioners to be appointed severally by the High Contracting Parties, with a view to the ascertainment of the facts and data necessary to the permanent delimitation of said boundary line, in accordance with the spirit and intent of the existing treaties in regard to it between Great Britain and Russia and between the United States and Russia.

Application will be made without delay to the respective legislative bodies for the appropriations necessary for the prosecution of the survey, and the commissioners to be appointed by the two Governments shall meet at Ottawa within two months after said appropriation shall have been made and shall proceed as soon as practicable thereafter to the active discharge of their duties.

The respective Commissions shall complete the survey and submit their final reports thereof within two years from their first meeting.

The Commissioners shall, so far as they may be able to agree, make a joint report to each of the two Governments, and they shall also report either jointly or severally, to each Government on any points upon which they may be unable to agree.

Each Government shall pay the expenses of the Commission appointed by it.

Each Government engages to facilitate in every possible way any operations which, in pursuance of the plan to be agreed upon by the Commissioners, may be conducted within its territory by the Commission of the other.

The High Contracting Parties agree that, as soon as practicable after the report, or reports, of the Commissioners shall have been received, they will proceed to consider and establish the boundary line in question.

The first meeting of the commissioners appointed under this article was held in Ottawa on the 28th day of November, 1892. By the supplementary convention of the 3d February, 1894, the time for the completion of the work and the submission by the commissioners of their joint or separate reports, which by the former convention

expired two years from the date of the first meeting of the commissioners—that is to say, on the 28th November, 1894, was extended to the 31st December, 1895.

The treaties relating to and defining the international boundary line between Canada and the United States of America in the region in question are the treaty between Great Britain and Russia, dated 28 16 February, 1825, and the treaty between the United States and Russia dated 30th March, 1867.

Our commission, under said Article 1 of the convention of 1892, applies only to that portion of the boundary described in these treaties from the southernmost point of Prince of Wales Island to the one hundred and forty-first meridian.

With a view to the performance of the duty imposed upon the Commissioners under the Convention of ascertaining the facts and data necessary to the permanent delimitation of the boundary line, and under the option allowed them of making either a coincident or joint survey, Dr. Thomas C. Mendenhall, at the time Commissioner for the United States (since replaced by the undersigned, William Ward Duffield), together with the undersigned British Commissioner, having considered the large extent of unknown territory involved and the comparatively short time allowed for the survey, determined that it was advisable to make the survey a joint one; that is, to partition among the officers working under them respectively the territory to be surveyed, arranging at the same time that each commissioner should detail attachés to accompany the several surveying parties of the other, for the purpose of observing and verifying their work.

The United States Commissioner undertook to make surveys of as precise a nature as practicable of the principal water courses which traverse the coast strip, and the British Commissioner undertook to make a photo-topographical survey of the mountainous regions lying between these various water courses.

A preliminary trignometrical survey of the principal deep-water passages, including the continental shore line from Portland Canal to Lynn Canal, had already been completed by the United States Coast and Geodetic Survey; and careful determinations of the geographical positions of Mount St. Elias (as hereinafter given) and of various mountain peaks in that region were made by the same organization in 1892, at which time a partial survey of the shore line of Yakutat Bay was also made. This completed work helped to coordinate the detached surveys of the various parties sent out by the two Commissioners.

In pursuance of this plan, during the year 1893, the following gentlemen were given parties on behalf of the United States, namely:

Mr. Dickins, on the Unuk River.

Mr. Tittmann, on the Stikine River.

Mr. McGrath, on the Taku Inlet.

Mr. Ogden, on the Taku River.

Their duties were to make surveys of these waterways, and to procure as much information as possible as to the topography of the adjacent regions. Mr. Driscoll accompanied Mr. Ogden as attaché appointed by the British Commissioner, and Mr. Robertson accompanied Mr. Tittmann in a like capacity. Mr. Dickins' survey of the Unuk River was made in conjunction with Mr. Saint-Cyr, of the British Commission, who, besides making a traverse of the Unuk River

paid particular attention to the mountainous regions on either side of the river.

On behalf of the British Commission, the following gentlemen were placed under instructions to make topographical surveys as full and complete as their means would allow:

Mr. Saint-Cyr, the Unuk River and the mountainous region on either side of it.

Mr. Klotz, adjoining him to the west and northwest towards Bradfield Canal.

Mr. Talbot to the south and east of the Stikine.

Mr. Gibbons, to the west of the Stikine.

Mr. Brabazon, at Holkham Bay, on the east side of Stephens Passage.

Mr. McArthur, at Snettisham Bay, and thence to Taku Inlet and Taku River.

Mr. Ogilvie, to the north and west of Taku Inlet and east of Lynn Canal.

The attachés of the United States Commissioner accompanying them were as follows:

Mr. Flemer with Mr. Talbot.

Mr. Pratt with Mr. Gibbons.

Mr. Ritter with Mr. Brabazon.

Mr. Welker with Mr. McArthur.

Mr. Hodgkins with Mr. Ogilvie.

Mr. Dickins working with Mr. Saint-Cyr as above stated.

In addition to the above, the United States Commissioner stationed Mr. Morse at Sitka to make astronomical observations for the determination of chronometric differences of longitude between Sitka, as a base station, and the observatories established by Mr. Dickins at Burroughs Bay, with Dr. Edmonds as observer; by Mr. Tittmann at Fort Wrangell, with Mr. Putnam as observer; and by Mr. Ogden at the mouth of the Taku River, with Mr. French as observer. At each of the above stations latitude and longitude were also determined. The United States steamer *Hassler* was employed throughout the season in making the necessary exchanges of time, the chronometers being in charge of Mr. Lord.

The parties were on the ground, and the work begun in the middle of May, and the early snow falls rendering mountain work impossible, it was found necessary to retire from the field in September.

During the following year, 1894, the following parties were placed in the field:

On behalf of the United States Commission—

Mr. Pratt, on the Chilkat Inlet and River and on Chilkoot and Taiya Inlets and Taiya River, he being engaged chiefly in triangulation.

Mr. Dickins, on Unuk River and Chilkat Inlet.

Mr. Flemer, on Chilkoot and Taiya Inlets.

Mr. Ritter, on Chilkat Inlet and River.

Mr. McGrath, on the coast westward from Yakutat Bay and at Lituya Bay.

Mr. Morse, at the Sitka longitude station.

Latitude and longitude were determined at the observatory at Anchorage Point, Pyramid Harbor, the steamer *Hassler* making the necessary chronometer trips as before.

Mr. Hayford made the observations at Pyramid Harbor, and Mr. Page had charge of the chronometers on the *Hassler*.

On behalf of the British Commission—

Mr. Saint-Cyr, at the head of the Portland Canal and thence to the Chickamin River.

Mr. Klotz, around Bradfield Canal.

Mr. Gibbons, on the north of Frederick Sound from Horn Cliffs to Port Houghton.

Mr. Ogilvie, on the east coast of Lynn Canal, also on the outer coast beyond Cape Spencer.

Mr. McArthur, at the north end of Lynn Canal and later on the outer coast at Lituya Bay.

Mr. Talbot, on the west side of Lynn Canal toward Glacier Bay.

Mr. Robertson accompanied Mr. Pratt's party as attaché for the British Commissioner. Except in this instance, the system of attachés was discontinued by mutual consent of the Commissioners.

During the winter of 1894–95, a party under Mr. Ogilvie ascended the Taku River for the purpose of gaining additional information as to the region extending thence to the vicinity of White and Taiya Passes, which lead from Lynn Canal to the interior; but, on account of tempestuous weather, the expedition was obliged to return, having accomplished nothing beyond a traverse survey of part of Taku River.

During the season of 1895, Mr. Brabazon was detailed by the British Commissioner to the region lying between the mouth of the Alsek River and Yakutat Bay.

Mr. Welker and Mr. Dickins were sent by the United States Commissioner to connect the surveys made in former years by the United States Coast and Geodetic Survey in Portland Canal with those in Revillagigedo Channel, and to determine more accurately the longitude of the stations along the Canal.

Mr. Dickins and Mr. Welker were placed in charge of parties in Alaska, and Mr. Morse was stationed at Seattle as astronomer for the redetermination of the differences of longitude between that point and the observatories at Port Simpson, B. C., at Mary Island, Alaska, and at a station at the head of Portland Canal. The observations for latitude and longitude were made by Mr. French at Port Simpson, by Mr. Dickins at Mary Island, and by Mr. Welker at Lion Point, Portland Canal.

Mr. Young was in charge of the chronometers carried by the steamer *City of Topeka* between Seattle and the stations at Port Simpson and Mary Island.

Comparisons between Port Simpson and Lion Point were effected by the United States launch *Fuca*.

The results of all these surveys are exhibited in the accompanying maps, namely, sheets Nos. 1 to 24, made on a scale of 1:160000 with contour lines of elevations 250 feet apart, from the surveys of the British Commission; and in maps Nos. 1 to 12 of the United States Commission, made on the same scale.

These maps have been agreed to by us, subject to the limitations hereinafter set forth, as correct representations of the topographical features, and have been signed by us to testify thereto. In submitting two sets of maps which cover the same ground, and which, to a large extent, have been prepared independently in the offices of the respective commissioners at Washington and Ottawa, it is understood that wherever there is a difference between the maps, either from different methods of representing the topography or from discrepancy as to the position

of natural features or otherwise, such difference is to be interpreted by reference to the hereinbefore-described scheme of partition of the survey work between the respective commissions, and where the surveys cover the same, or nearly the same ground, the maps are to be taken as mutually explanatory, having regard to the conditions under which each survey was made.

The continental shore line, from latitude 54° 40′, to Point Coverdon, at the southwesterly entrance to Lynn Canal, having been surveyed by the United States Coast and Geodetic Survey, the United States maps shall, in case of discrepancy, govern as to the shore line; so also from Yakutat Bay to the one hundred and forty-first meridian. But from Point Coverdon northwesterly to Yakutat Bay, including Glacier Bay and the other bays which, with the exception to the entrance to Lituya Bay, have not been so surveyed, the maps of the British Commission shall govern. The shore line of the islands of the Alaskan Archipelago have been mapped according to the surveys of the United States Coast and Geodetic Survey, wherever such survey has been made; elsewhere the best information available has been used.

To show the topographical features of the country in another way, we herewith submit photographic views, being contact prints from the photographic negatives of the officers of the British Commission, whose work was largely executed as to the detail, or "filling in" by means of these views, according to the method known as photo-topography, the framework being laid out by triangulations which are shown in sheets Nos. 25, 26, 27, and 28 of the British Commission. These views will also serve as a permanent record of the field work. Plans of the triangulation executed by the officers of the United States Commission are submitted herewith on sheet No. 13 of the United States Commission.

Besides the information contained in the maps, we have to report as to the point of commencement named in the treaty of 1825, that the latitudes of Capes Muzon and Chacon as determined by the British observers are as follows: Cape Muzon, 54° 39′ 50″; Cape Chacon, 54° 41′ 25″.

As determined by the United States observers these latitudes are: Cape Muzon, 54° 39′ 48″; Cape Chacon, 54° 41′ 22″.

These results are so nearly alike that there is no practical discrepancy between them.

Also, the summit of Mount St. Elias is by the best determination in latitude 60° 17′ 35.10″ and longitude 140° 55′ 47.32″, being 28.830 nautical miles from the line of coast west of Yakutat Bay and 2.41 statute miles east of the one hundred and forty-first meridian.

We conceive it unnecessary for us, having prepared maps showing so much detail, to enter into a lengthy description of the topography. It may be well, however, to add some remarks upon the mode of occurrence of timber, since this is not shown on the maps.

Speaking broadly, we may say that the average altitude of the timber line between Burroughs Bay and Lynn Canal is 2,500 feet, being a little higher in the south and a little lower in the north. Timber line is primarily a matter of heat, so that altitude and latitude have similar effect. However, in a country of which so much has but recently been uncovered from glaciers, timber line is affected by another factor, and that is the presence of soil for trees to take root. As the foot of a mountain is first exposed, the forest starts there and

in time, as exposure and consequent disintegration take place, creeps upward. Now, there are many points in the area above referred to where this process of forest creeping has not yet reached the limit set by climatic conditions, and hence we find timber lines near each other, but varying in altitude by hundreds of feet. This is most noticeable on the west side of Lynn Canal. Naturally, we would expect the timber line in the south to be higher than in the north; but, as a matter of fact, it is the reverse there, being scarcely 2,000 feet for the former and nearly 3,000 feet for the latter. In general, the timber line on the east side of Lynn Canal is somewhat higher than on the west side. Around Juneau the timber line does not reach the 2,000 feet limit. Between the entrance of Glacier Bay, across Dundas and Taylor Bays and Cape Spencer, the timber line may be put at 2,000 feet above the sea.

In Glacier Bay, northward from the entrance, the timber line rapidly descends, and in the northern part the forest practically disappears altogether. In fact, along many of the smaller bays there, no wood whatever is found. This phenomenon is plainly indicative of the recent recession of the vast complex of glaciers. On the outside, between Lituya Bay and Cape Spencer, the line is barely 2,000 feet, while in Yakutat Bay it is 1,500 feet. Most of the mountains between Yakutat Bay and Lituya Bay are not timbered at all; but this is probably due—up to 2,000 feet—to the fact already stated, i. e., that the recession of the glaciers is too recent to admit of the necessary disintegration for vegetation to spring up, as well as to the effect upon the temperature of the nearness of the existing glaciers.

The altitude of the timber line at various points is as follows:

	Maximum.	Average.
Portland Canal	2,600	2,500
Unuk River	2,900	2,600
Burroughs Bay	2,800	2,500
Bradfield's Canal	2,700	2,500
South of Stikine	2,700	2,500
North of Stikine	.....	2,500
Thomas Bay	.....	2,500
Endicott Arm	2,500	2,300
Snettisham Bay	2,700	2,400
Taku Inlet	.....	2,200
East side Lynn Canal	2,900	2,500
Head of Lynn Canal	3,000	2,500
West side of Lynn Canal	2,400	2,000
Outside, west of Cape Spencer	1,500	.....

It is understood and agreed that in signing this joint report and signing and accepting the maps they have submitted, it is not therefore affirmed or admitted by the Commissioners that there is authority for the application of the names used to designate the various places, mountains, bays, channels, islands, etc.

In witness whereof we have hereunto set our hands at Albany, New York, this 31st day of December, 1895.

W. W. DUFFIELD,
United States Commissioner.

W. F. KING,
Her Majesty's Commissioner.

NOTE.—The charts and photographic views prepared jointly by the United States and British Commissioners will be presented to the tribunal upon their assembling at London.

Mr. Tittmann to the Secretary of State.

TREASURY DEPARTMENT,
OFFICE OF THE COAST AND GEODETIC SURVEY,
Washington, April 16, 1903.

Hon. JOHN HAY,
Secretary of State.

SIR: In reply to the question, "What are the facts, and especially what is the evidence presented by the joint surveys and explorations of the International Boundary Commission of 1893–1895 in regard to the existence of a mountain range in Southeast Alaska corresponding to that contemplated as the line of demarcation by Articles 3 and 4 of the treaty of 1825," I beg leave to submit the following statement, based on personal observation and a study of the maps.

In March, 1893, I was an Assistant in the Coast and Geodetic Survey and went to Alaska for the purpose of making a survey of the Stikine River, in charge of one of the surveying parties sent out to make a joint international survey of the region between the head of Portland Canal and the 141st meridian, in the vicinity of Mount St. Elias.

I began work near the mouth of the Stikine River in May, 1893, and continued engaged on the river until the latter part of August. The work was commenced in May by measuring a base conjointly with the Canadian surveyors for our common use. I then took my party up the Stikine River to the vicinity of a place which Mr. Hunter, the Canadian surveyor, had in 1877 determined as distant 10 marine leagues from Pt. Rothsay at the mouth of the Stikine. My survey extended down the river to where it joined the work of our other surveyors coming up the river, thus completing the work assigned to me. I determined the position and altitude of mountain peaks which could be seen from various points on the river, including several peaks about eight miles distant from the river, and approximately ten marine leagues from the coast. These peaks were Kate's Needle on the west and Big Mountain on the east. I paid special attention to identifying and locating the crest of the mountains which would conform to the line of demarcation under the treaty of 1825 between Russia and Great Britain, but found that within the ten marine league limit there is a total absence of that continuity and system which would constitute a mountain range parallel to the coast.

In my report to the Superintendent, dated April 17, 1894, I stated as follows:

> The group of mountains to the westward of the Stikine, of which Kate's Needle appears to be the highest, overtops the mountains between it and the coast, and the same remark holds good of Big Mountain and Pinnacle, to the eastward of the river. Whether the mountains still farther inland are higher than those mentioned, I am unable to say, but it is evident that if this mountain region is to be regarded, in a broad sense, as a range, its crest does not lie oceanward from these peaks.

In 1900 I went in the service of the United States for the purpose of delimiting the provisional boundary between the United States and Canada under the Modus Vivendi of 1899. I went to the head of Lynn Canal, to Chilkoot Pass and White Pass, up the Chilkat River, following up the Klehini River we marked the limits of the provisional boundary on the ground. From the examination which I made I reached the conclusion, which was confirmed by a study of the maps

of the Commissioners of 1893–1895, that there does not exist any defined or continued mountain range or chain running generally parallel to the coast, and situated anywhere oceanward from a line projected from the head of Lynn Canal southward and drawn to the 56th parallel to a point near the head of Portland Canal, such line being parallel to the sinuosities of the coast line which proceeds around the bays and inlets and not more than ten marine leagues therefrom. I also went up Glacier Bay, and state that there is no mountain axis which has a trend across that bay.

I inclose herewith the affidavits of four gentlemen who were then officers of the Coast and Geodetic Survey—Messrs. H. G. Ogden, W. C. Hodgkins, A. L. Baldwin, and J. A. Flemer—and who were likewise engaged on the joint international surveys of the boundary region. Mr. Flemer is no longer connected with the Coast and Geodetic Survey, having resigned about two years ago.

Very respectfully,

O. H. TITTMANN,
Superintendent.

Deposition of Herbert G. Ogden.

CITY OF WASHINGTON, *District of Columbia, ss:*

I, Herbert G. Ogden, being duly sworn, depose and say: My name is Herbert G. Ogden; I am 57 years of age, and an Assistant in the Coast and Geodetic Survey and at present Inspector of Hydrography and Topography. I was in 1893 sent to Alaska to act in conjunction with the Canadians. There was to be an American officer in each party formed by the Canadians and a Canadian officer in each of our parties. We proceeded to San Francisco, where we met the ships that had been assigned for our transportation and from thence to Seattle and Victoria, where the Canadian parties joined us and followed us up to Alaska a few days later. We made the cruise to Alaska on the steamers *Patterson* and *Hassler*. We put ashore at the mouth of the Unuk River Mr. Dickins, Assistant in the Coast Survey, who joined the Canadian party that was to work up the Unuk River. Proceeding farther, we put Mr. Tittmann ashore at Wrangell with the officers who were to accompany him, including the Canadian.

At Holkham Bay I put an officer from my party ashore, Mr. Welker, who was to accompany a Canadian party, and transferred Mr. Hodgkins to the Canadian steamer *Quadra* for duty with another Canadian party, and took on board the *Patterson* Mr. A. Driscoll, the Canadian who was to accompany my party. The ship then proceeded to Taku Inlet, where I landed with my whole party and also a party in charge of Mr. McGrath. My party was landed at the head of what is called Taku Inlet about the 10th or 12th of May. On the way up from Dixon Entrance all of us were interested in observing the character of the country we were to develop. I felt particularly interested myself as we sailed up Taku Inlet, the appearance of that region striking me as one that was almost impassable. There were great peaks to be seen ahead, sharp and impossible of ascent, and it interested me and excited my curiosity, that I hoped to satisfy in the future, whether I could get around between them. Many of them were very much like the Sugar Loaf of our old atlases. My first effort after landing was to

make a reconnaissance with a canoe party up the river. This required three or four days and gave me a view of the country for about ten miles above the point where I subsequently stopped my survey of the river.

A careful survey was made of the Taku River by a small triangulation as a base for it, which was a continuation of the scheme of triangulation extending along the coast of Alaska. On this work I determined the contour and height of all the mountains that were visible from the bed of the river. The river valley is about three miles wide, and some of these peaks were probably five or six miles on either side of it.

In connection with this work on the Taku River I had a party under Mr. Welker landed at Holkham Bay, as before stated, who ascended all the mountains with the Canadians; north of Taku Inlet, and in the region between Holkham Bay and Taku Inlet, I had my assistant, Mr. Hodgkins, with the Canadian party, who made all the ascents with that party. The Canadian parties entered the Taku River and made some ascents of the mountains on the shores of the Taku Inlet, and one of the Canadian parties went part of the way up the Taku River, but not within ten miles or more of as far as I went. Those two officers who ascended the mountains were, unfortunately, restricted in their ascents by the operations of the Canadian parties, as they had no means of making an ascent independently. They both assured me, and I made careful inquiry from them, that, so far as they could judge from the character of the country as they observed it, there is no well-defined range of mountains passing through the region.

Mr. Welker's sketch accompanying his report on the results of his work showed a very decided jumble and nothing that could be construed into a range. Mr. Hodgkins was quite as emphatic that there was no range to the northward, but both of them agreed that there were higher hills farther in the interior that they were not able to ascend or even determine. This information was partly in my possession when I took the steamer from the Inlet to the Stikine River, where my next work was to be taken up, and I more carefully observed the character of the country in the light of the information that had already been gathered. In one or two instances I went so far as to climb up the rigging that I might get a better chance to determine the relation of the hills, the tops of which I could see. I was particularly careful in passing what is called the Devil's Thumb, which is one of the highest peaks along the coast. Around that mountain there were a number of other peaks somewhat similar in shape and apparently trending off to the interior in a direction that would be at right angles to any coast range of mountains.

On reaching the Stikine River I was joined by Mr. Dickins, who had completed his work with the Canadian party on the Unuk River. After a short period of fitting out at Wrangell, in compliance with a memorandum I had received from Mr. Tittmann, who was at work on the upper Stikine, I continued the work up the river from its mouth where Mr. Tittmann had measured a base and connected it with Wrangell. On establishing a camp some 6 or 8 miles above Point Rothsay, at the mouth of the Stikine, I ascended the river in a canoe to Mr. Tittmann's camp up the river. This gave me an opportunity to see a large section of the country back from the shore connected with the region I had been studying, and gave further confirmation of the

opinion I had formed as the features were developing that there was no well-defined range of mountains; that the peaks and hills we had observed immediately on the shores of the inlets were in the nature of detached groups, and might be called foothills, there being much higher mountains behind them. My work on the Stikine ascended the river about 12 miles by the courses of the river, where I joined Mr. McGrath, who worked the section above me until he joined with Mr. Tittmann above him.

From my observations made in Taku Inlet and on the Stikine River and in running along the coast, and from all information that I gained, I am satisfied that there is not, within ten marine leagues from the coast, any continuous chain of mountains in the form of a summit range running from the 56th degree of latitude until it intersects in the northern direction with the 141st degree of longitude.

HERBERT G. OGDEN.

Subscribed and sworn to before me this 17th day of April, 1903.

[SEAL.] N. G. HENRY, *Notary Public.*

Deposition of W. C. Hodgkins.

UNITED STATES OF AMERICA,
District of Columbia, ss:

William Candler Hodgkins, having first been duly sworn, deposes and says: I am forty-eight years old, and am a resident of Boston, Massachusetts; I am by profession a civil engineer; my official position is that of Assistant in the Coast and Geodetic Survey, i. e., Assistant to the Superintendent of that service, in which I have been employed since July, 1871.

In March, 1893, I was assigned to duty, under the general direction of Mr. H. G. Ogden, in connection with the joint survey of Southeastern Alaska undertaken by the Governments of the United States and of Canada. I left Port Townsend, Washington, on the steamer *Patterson*, one of the vessels of the survey, and arrived at Port Simpson, the northern port of British Columbia, at about the end of April. Port Simpson is situated at the junction of Portland Canal, Chatham Sound, and Dixon Entrance, and on a moderately clear day the mountains of Alaska are in plain view therefrom.

Upon leaving Port Simpson, the *Patterson* passed through Behm Canal, between Revillagigedo Island and the coast of the continent, to Burroughs Bay, where a party was landed for work on the Unuk River, which flows into Burroughs Bay. From there, the course of the steamer was first to the southwestward through Behm Canal until, after rounding Cape Caamano, we turned to the northward in Clarence Strait, having had the shores of Cleveland Peninsula on our starboard hand from the time we left Burroughs Bay.

From Clarence Strait to Fort Wrangell our course lay through a passage between several hilly and densely wooded islands. In the vicinity of Fort Wrangell, the continental shore near the mouth of the Stikine River was again visible.

After leaving Fort Wrangell, at which point a party was landed from the steamer *Hassler*, which was in company with the *Patterson*, we passed through Wrangell Strait into Frederick Sound, and thence up Stephens Passage to Holkham Bay, where a stop was made. A Canadian party was landed at this point from the Dominion steamer *Quadra*, which accompanied the American steamers, and with that party went an American observer, Mr. Welker. At that point I was transferred to the *Quadra* to join the party of Mr. William Ogilvie, of the Dominion Land Survey, who was in charge of the northern section of the Canadian part of the survey.

The *Quadra*, on the following day, proceeded to Juneau, a mining camp on the mainland shore of Gastineau Channel, which separates Douglas Island from the continent. Mr. Ogilvie and I landed and went into camp on Douglas Island, nearly opposite Juneau, on May 12. As soon as possible, the work of mountain climbing was begun, Mr. Ogilvie's plan being to make a photographic survey of the coastal region from Taku Inlet northward along Lynn Canal. For the purposes of such work, clear weather was absolutely necessary, both for the safety of the party in climbing these unknown mountains and for the purpose of making the necessary photographs when on a summit. Ascents were therefore made only in fine weather, which seriously limited their number.

After some time spent at our first camp, we moved to another at the mouth of Sheep Creek, on the mainland southeast of Juneau, and from there to the mouth of the Taku River, where we spent the Fourth of July. From there we moved to a cove on the eastern side of Taku Inlet, at which point we had continuous rainy weather for three weeks, and from there to a camp at the upper end of Gastineau Channel, northwest of Juneau, at which point I left Mr. Ogilvie, when he was about to move farther north, and returned to Juneau and thence to Sitka, where I joined the *Patterson* about September first, in accordance with instructions received by me.

Mr. Ogilvie remained in the field a few weeks after my leaving him, but owing to bad weather he was not successful in making many more ascents, according to information which I subsequently received.

With regard to the characteristics of the coast and of that portion of the interior which came under my observation, I can say that my recollection of the shore of the continent northward from Dixon Entrance is that in general the land rose abruptly and sometimes precipitously from the water's edge. My recollection is that the Cleveland Peninsula was less abrupt than the remainder of the continent, and that it rather resembled the larger islands in general features. The slopes were generally heavily forested to a height of 1,000 or 1,500 feet, the altitude of the timber line varying considerably in different districts, and generally growing lower with increasing latitude. The continental edge, though generally high, varied much in altitude, many summits being above the average, while there were occasional breaks of lower land or cross valleys through which glimpses could be obtained of higher mountains farther back, although the mountains immediately bordering the coast generally served to prevent any extensive inspection of the interior.

On the other hand, after ascending a mountain so as to be above this coastal barrier, an extensive view of many miles in almost any direction was open to observation.

The general character of the region between the Taku Inlet and Lynn Canal, which included most of Mr. Ogilvie's stations, is that of a plateau of ice and snow, from which rise numerous peaks, and which is carved into many short ridges separated by deep valleys, which are frequently occupied by glaciers. The summit elevations show a general tendency to increase with increasing distance from the coast. On the part of the coast near Juneau, the summits are from 2,000 to 3,500 feet in height, while in the vicinity of the head of Taku Inlet the elevations are 4,000 feet or more, with higher mountains visible farther back. The elevations also increase in going north along Lynn Canal. For a general description of the country surveyed during the season, I do not know that I can do better than to refer to my report of February 24, 1894, to the Superintendent of the Coast and Geodetic Survey, as follows:

"The work of the season covered about 500 square miles of territory inclosed within a nearly equilateral triangle. All of this region was full of mountains, but I could see no indications of a dominating or nearly continuous range anywhere near the coast line. The mountain peaks are from 3,000 to 5,000 feet in height, with a general tendency to greater elevation above the head of Taku Inlet. The whole area is a network of short, steep-sided ridges, generally lying at right angles to the nearest shore and connected by short saddles nearly as high as the peaks. This formation seems to indicate that these ridges and valleys are the results of local influences of erosion by ice and water. Farther back from the shore, where ice and dry cold are the principal eroding influences, the peaks project sharply from the envelope of snow and ice, which stretches downward on their flanks to form countless glaciers—large and small. Far back in the country to the northward could be seen the peaks of lofty mountains, which lie about 25 miles northward of the mouth of the Taku River. Whether these peaks are part of the backbone of the mountain system of this coast or not I am unable to say; but this, at least, is clear, that from every mountain ascended by Mr. Ogilvie, higher mountains could be seen to the northward. Nowhere did we attain the summit elevations of the system."

The operations of Mr. Ogilvie did not extend far into the interior, no one of the mountains which we ascended being more than 6 or 7 miles from the sea, to the best of my recollection. Higher mountains, with many sharp peaks and pinnacles, could be seen farther in the interior than we penetrated, and along the northeastern horizon they assumed somewhat the appearance of a range, which appearance may, however, have been an illusion caused by perspective among the numerous peaks. From all the observations which I made while in Alaska and from all my knowledge of the region gathered not only from the ascent of mountains but from other investigations, it is my belief that there is no such continuous chain of mountains within ten marine leagues of the coast—that is, from the heads of the inlets and bays, and running in a direction parallel to the general direction of the coast between Portland Canal and Lynn Canal, as seems to be contemplated in the language of the Anglo-Russian Convention of 1825.

W. C. HODGKINS.

Subscribed and sworn to before me this 16th day of April, 1903.

[SEAL.] N. G. HENRY, *Notary Public.*

Deposition of A. L. Baldwin.

UNITED STATES OF AMERICA,
Washington, D. C.

A. L. Baldwin, having been duly sworn, deposes and says as follows: I am at present in the service of the United States Government, holding a position of computer in the Coast and Geodetic Survey Office at Washington, D. C.

In the year 1893 I was Aid in the Coast and Geodetic Survey and was ordered to report to Mr. O. H. Tittmann, then Assistant in the Coast and Geodetic Survey, for duty in Alaska. I was then twenty-three years of age. I proceeded, accompanied by Mr. Tittmann, from Port Townsend on the steamer *Hassler*, Giles B. Harber, U. S. Navy, commanding. We touched at Port Simpson April 30, crossed Dixon Entrance through the Revillagigedo Channel, through the Tongass Narrows into Clarence Strait, following Clarence Strait and Stikine Strait, and anchored at Fort Wrangell.

The first view we got of the mainland, excepting Cleveland Peninsula, was in going through Stikine Strait. As we approached Fort Wrangell we saw the main shore, which, as far as we could see north and south, was very abrupt and very high, the mountains rising from 3,000 to 4,000 feet. At the mouths of all the streams there was a little flat land, the shore line elsewhere rising almost abruptly from the water.

We camped just below Point Rothsay some two weeks, getting our outfit ready and waiting for the steamer to take us up the Stikine River. During that time the party made a triangulation from the astronomical station at Fort Wrangell to Point Rothsay.

From Point Rothsay we proceeded up the Stikine River on the steamer *Alaska*, and camped at a point about ten marine leagues from Point Rothsay, measured on an air line. In proceeding up the river and returning, and upon the frequent trips made by me up and down the river while engaged in my surveying work in that vicinity, extending over a period of four months, I had full opportunities for observing the formation on both sides of the river. It was mountainous on both sides, very abrupt, the river valley narrow, approximating one mile in width but varying in places. When we came to a bend there would be stretches of low-lying land on the inside of the curve, while on the other side the river would be close under the precipitous mountains. There was no extent of view, except between mountain peaks which rose up abruptly from the valley in irregular order and continued in this way all the way up the river. As we passed the mouths of the rivers Iskoot and Katete we could see up these rivers and into the interior for a number of miles. As far as we could see, and we could see up the river at frequent intervals between the mountains, there appeared to be a continuation of irregular mountains extending into the interior and getting higher as we receded from the coast. Our camp was some miles above the entrance to the Porcupine River. I could see from repeated points of observation that these irregular peaks continued to extend in a desultory way north and south and back toward the interior and that at no point between our camp and the coast or from our camp was there a continuous or homogeneous range of mountains extending parallel with the coast and which

stood out from and could be distinguished from the collection of mountain peaks as a continuous mountain range.

I left this camp, went to Fort Wrangell, and on the 9th day of June proceeded from there by the steamer *Hassler* to Burroughs Bay, by way of Stikine Strait, Clarence Strait, and Behm Canal. Wherever we followed the continental shore, as we did from the junction of Clarence Strait and Behm Canal to Burroughs Bay, the same topography was observed, the mountains rising precipitously from the water's edge.

From Burroughs Bay I proceeded, on board the *Hassler*, to Sitka, by way of Behm Canal, Clarence Strait, Wrangell Strait, Frederick Sound, Chatham Strait, and Peril Strait. When we came out of Wrangell Strait into Frederick Sound we proceeded within sight of the coast. The coast formation along the whole extent of the mainland, from where we came out of Wrangell Strait until we lost sight of it in passing up Frederick Sound, was abrupt, high, and of the same character as I have described as existing near Fort Wrangell. On account of the height of the mountains close to the shore, I could not see far into the interior. I recall getting glimpses of glaciers through the sharp canyons of the shore.

From Sitka I returned to Fort Wrangell by way of Taku Inlet, going through Peril Strait, Chatham Strait, Lynn Canal, Stephens Passage, and Taku Inlet. At the junction of Stephens Passage and Favorite Channel I could see the main coast. This was of the same character as the main coast heretofore described by me. I do not recall that from this point I could see over the line of the main coast into the interior, my recollection being that we were not far enough away to see beyond the hills because the steamer was too close under the shore. Passing into Taku Inlet, the mountains continued precipitous, rising high from the shore and continuing so up to the United States astronomical station and bordering both sides of the inlet. In Taku Inlet we were too close to the abrupt shore formation to see into the interior, except occasional glimpses into the valleys.

In the year 1894 I was again attached to a survey party in Alaska under Assistant John F. Pratt, embarking on the steamer *Hassler* at Port Townsend, calling again at Port Simpson, Fort Wrangell, and Juneau, from thence to Pyramid Harbor, in Chilkat Inlet. In the whole length of Lynn Canal the same mountain formation exists as I have heretofore described, the mountains rising sheer from the water's edge. I could see almost nothing on account of the height of the mountains close to the shore. Later in the season, when we reached the head of Chilkoot Pass, we looked over into the drainage of the Yukon going north, showing a distinct watershed; until our arrival at this place it was a detached mass of heterogeneous mountains.

In the year 1892 I was attached to a survey party in Alaska under Assistant John E. McGrath, embarking on the steamer *Hassler* at San Francisco, calling at Port Simpson and then following the usual steamer route to Sitka, through Clarence Strait, Wrangell Strait, Frederick Sound, Chatham Strait, and Peril Strait. I remember that, when in Frederick Sound, May 12, near its junction with Stephens Passage, the day was clear, which was somewhat unusual in that region. I saw distinctly the high coast line, which was of the same general character as I have described heretofore, and back behind this coast line and above it were numerous mountain peaks which rose in an irregular way and were distinctly higher than the mountain formation which was near the

coast. One peculiar shaft about 50 miles distant, several hundred feet above the rest, I estimated in my journal at the time to have been 10,000 feet high.

My opportunities for seeing the mountain formation along the coast and in the interior, within the territory described by me, were sufficient to enable me to say that there does not exist anywhere within those regions, within ten marine leagues from the coast, anything like a defined mountain range extending in a general direction north and south parallel with the coast, and that the mountain formation along the coast, within the limits above designated, and as far back as could be seen from the interior points which I have described, is a broken, irregular mountain system, composed of something like a high plateau with peaks here and there, without anything like the continuity of a mountain range extending north and south, and that the peaks in this system are higher as you recede from the coast; and that there is no such range as that above described and within the territory described, situated to the west of a line drawn from Chilkoot Pass southerly to Iskoot River, said line being drawn parallel to the coast line which bounds the heads of the inlets, bays, and interior waters, and not more than ten marine leagues from same.

There is not within any of the territory described by me any defined mountain chain running north and south generally parallel to the coast, which in its trend goes across the Iskoot, Stikine, and Taku rivers, or either of them, or across Taku Inlet or Lynn Canal, and which, but for being pierced by them or either of them, would constitute what could be (disassociated from the surrounding peaks or mountains) designated as a continuous or individualized mountain chain or range.

A. L. BALDWIN.

Sworn to and subscribed before me this 16th day of April, 1903.

[SEAL.] N. G. HENRY,
Notary Public.

Deposition of John Adolph Flemer.

UNITED STATES OF AMERICA,
Washington, D. C.:

John Adolph Flemer, having been duly sworn, deposes and says as follows: I am a civil and topographical engineer by profession, and have practiced as such over fifteen years. I am no longer in the service of the United States Government, but was in the employ of the same as Assistant in the United States Coast and Geodetic Survey in the year 1893, when I was for the first time ordered on duty in southeastern Alaska, being subsequently sent there in the following year and again in 1898, having served in all three seasons in Alaska.

In 1893, early in May, I went to Alaska on the United States Coast and Geodetic Survey steamer *Hassler*, G. B. Harber, U. S. Navy, commanding, and after my arrival at Fort Wrangell I was assigned to one of the Canadian topographic field parties encamped there. The party I joined was under charge of Charles Talbot, D. L. S., whose instructions were to make a photo-topographic reconnaissance of the area south of the Stikine River and north of Bradfield Canal or Inlet.

We spent the season following up the rivers and large streams in this area, changing camp as the work proceeded. We climbed numerous mountain peaks and gathered the data necessary for plotting the

topographic features of this region, which was based on a rough triangulation. We ascended the Stikine River as far up as the mouth of the Katete, about twenty miles from the coast, and encamped there to explore the northeastern part of the area allotted to us. During this season's work I ascended mountains 3,000 to 5,000 feet in height, located within a ten-miles-wide coastal belt from the Stikine River in the north to Bradfield Canal in the south.

The highest mountains in this section are considerably inland, apparently 25 to 30 miles from the coast. We had an excellent opportunity to familiarize ourselves with the character of the country, as the Canadians used the photo-topographic surveying method. We would climb the same mountain peak as often as three times, if necessary, before getting a clear view of the surrounding country and distant panorama.

The terrene of this section is very rugged and bold, the numerous crags and peaks with their underlying mountain formation forming irregular masses with no indications of any range formation. The altitudes of the peaks in this section gradually increase from the coast inland.

In the year 1894 I was attached to Assistant J. F. Pratt's party and I was detailed to make a survey of Katzehin, Chilkoot, Skagway and Dyea rivers, at the head of the Lynn Canal. In executing this work I made use of the photo-topographic method in a similar way as the Canadians applied it. While ascending the prominent mountains in the area allotted me a good opportunity was offered me to see much of the country inland. The sides of the Chilkoot and Dyea inlets rise abruptly from the water's edge to a height from 2,000 to 4,000 feet. The valley bottoms of the rivers Katzehin, Chilkoot, Skagway, and Dyea, are narrow throughout, widening slightly where other rivers empty into them and at the mouths. They are bounded by steep hillsides and bold bluffs.

In the year 1898 I was again ordered to southeastern Alaska to extend the surveys of the Tlaheena, Chilkat, Chilkoot, Skagway, and Dyea rivers, including the passes at their heads leading into the interior, going inland as far as 30 miles from the coast.

This topographic reconnaissance practically covered the same ground as the work of 1894, or rather it extended the work of that season farther inland.

The mountains, which also here have the characteristic Alaskan rugged boldness, appear to form spurs and outrunners from what apparently is the divide between the drainage system of the headwaters of Lynn Canal and those of the rivers Alsek, Yukon, and Taku.

As far as my observations in the territories described above have taken me, there is no indication of any coastal mountain range, nor are there mountain formations strung out in a direction north and south. On the contrary the areas generally appear as a heterogeneous jumble of irregular mountain masses, their general heights increasing inland. The country appears in a general way as a very roughly eroded plateau, sloping toward the coast, with irregular but bold projections, appearing isolated or in groups, never in continuous range or chain.

JOHN ADOLPH FLEMER.

Sworn to and subscribed before me this 17th day of April, 1903.

[SEAL.] N. G. HENRY,
Notary Public.

MISCELLANEOUS DOCUMENTS, ETC.

Mr. Tittman to the Secretary of State.

UNITED STATES COAST AND GEODETIC SURVEY,
Camp near Klukwan, Alaska, June 21, 1900.

To the Honorable the SECRETARY OF STATE.

DEAR SIR: Yesterday a delegation of about ten Chilkat Indians called on Mr. W. F. King, my colleague in the demarcation of the boundary near Klukwan, Alaska. Their interpreter was an Indian named Philipps, who was educated at Carlisle, Pa. I joined Mr. King in hearing their appeal, which was eloquent and in many respects pathetic. They feared that the Canadians would establish a custom-house on the other side of the provisional boundary line near Klukwan and that they would be subjected to continuous and vexatious interference by the Canadian authorities.

The interpreter stated that the Indians were much excited by the marking of the boundary line. Mr. King and I are aware of a feeling of uneasiness among the whites at Haines Mission and along the Dalton trail, not on account of the boundary but because of the trial of eleven Indians at Skagway for the foul murder of a white man and his young and pregnant wife some months ago. They were murdered not because of any special animosity against them, but simply because shortly before, an Indian and a squaw were drowned by accident. For it seems that the custom of the Indians requires the death of the same number of persons belonging to some other tribe or nation under such circumstances. The whites along the Chilkat fear an uprising on the part of the Indians if the murderers are convicted and punished. Whether this fear is groundless I am unable to say, but we had this general feeling in mind when we listened to the Indians and informed them that it was useless to discuss the boundary matter with us, but that they might forward to our respective governments any appeal which they desired to make.

To this they agreed and at their request we stated the substance of their appeal in a paper which the representative chiefs signed, and one copy of which Mr. King inclosed in an envelope addressed to the Governor-General of Canada, the other I addressed to the President of the United States. I inclose a copy of this document for your information.

The Indians were in fear of becoming British subjects under the boundary arrangement, a possibility to which they were intensely hostile. They also resent a boundary which cuts in two the valley in which they live and they have forebodings of their coming extinction as a tribal organization as the result of the white man's coming. I have ventured to write all this for your personal information.

Yours, very respectfully,

O. H. TITTMANN.

KLUKWAN, ALASKA, *20th June, 1900.*

To the PRESIDENT OF THE UNITED STATES.

SIR: We, the undersigned, representing the Indians living on the Chilkat River, submit that we are dependent for our living on hunting, fishing, and trading above the provisional boundary line just established, which crosses the Chilkat River a little above our village of Klukwan. We have enjoyed these privileges from time immemorial, free from the restrictions and charges imposed by custom-houses; and further, our trade with the interior Indians has been of the greatest importance to us. The boundary line which comes so close to our ancient settlement shuts us up in a small portion of the valley of which we have had so long the undisputed use, and will, we fear, unduly restrict us in our trade and avocations. We therefore request that our former rights and privileges be guaranteed to us, and in that hope we address this petition to the Governments of the United States and Canada.

YALKAWK (his x mark).
GEORGE SHOTRIDGE (his x mark).

Witnesses:
O. H. TITTMANN,
W. F. KING,
Boundary Commissioners.

Mr. Tittmann to the Secretary of State.

TREASURY DEPARTMENT,
OFFICE OF THE COAST AND GEODETIC SURVEY,
Washington, April 13, 1903.

Hon. JOHN HAY,
Secretary of State.

SIR: I transmit herewith an affidavit from Adolph Lindenkohl, a draughtsman in the office of the Coast and Geodetic Survey, respecting the map of Northwestern America, showing the territory ceded by Russia to the United States, compiled for the Department of State at the Coast Survey Office in 1867.

I also inclose copies of letters exchanged in 1867 with Hon. W. H. Seward, Secretary of State, and the Assistant in Charge of the Coast Survey, relating to this map.

Very respectfully,

O. H. TITTMANN,
Superintendent.

DISTRICT OF COLUMBIA,
City of Washington, ss:

Adolph Lindenkohl, being duly sworn, deposes and says: That he is a resident of the city of Washington, was employed as draftsman at the United States Coast Survey prior to and during the year 1867, and has remained continuously in that service since that date; that

the map of "Northwestern America, showing the Territory ceded by Russia to the United States, compiled for the Department of State at the United States Coast Survey Office, B. Pierce, Superintendent, 1867," was prepared by deponent at the said office between the 20th day of March and the 13th day of April, 1867, and was engraved between the 23d day of March and the 19th day of April, 1867; that according to the records of the office 500 copies in black and red were printed between the 20th and the 30th of April, 1867, which issue comprised the first edition; that according to his recollection the publication of the map was undertaken at the suggestion of Senator Sumner, who took special interest in it and visited the office during its preparation; that at one or more interviews between Senator Sumner and Professor Hilgard, the Assistant Superintendent, which took place at the office of the Coast Survey, during which interviews deponent was present, Senator Sumner expressed himself as desirous that the map should be as accurate as possible, mentioned several sources of information and also appeared very solicitous to have the boundaries correctly represented; that a copy of this map was subsequently furnished to Senator Sumner. And deponent further says that it appears from the records of the Coast Survey Office that the said first edition was soon exhausted and the preparation of the second edition was commenced on the 2d of May and it was published before the 25th of May, 1867.

ADOLPH LINDENKOHL.

Subscribed and sworn to before me this 13th day of April, 1903.

[SEAL.] N. G. HENRY,
Notary Public.

DEPARTMENT OF STATE,
Washington, March 18, 1867.

BENJAMIN PIERCE, Esquire,
Superintendent U. S. Coast Survey.

SIR: I will thank you to forward to this Department, at your earliest convenience, a copy of any map of the Russian Possessions on the North West Coast of America which you may have at your disposal. If necessary it can be returned.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE,
Washington, April 10, 1867.

J. E. HILGARD, Esquire,
United States Coast Survey.

SIR: I will thank you for the return at your earliest convenience of the Maps of the Russian Possessions in America which you may have received from this Department. I will be glad to receive any photographic copies of maps of that region which may have been prepared at the Coast Survey Office, or any maps produced with the aid of those submitted by Mr. de Stoeckl.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

TREASURY DEPARTMENT.
COAST SURVEY OFFICE.
Washington, April 18, 1867.

Hon. W. H. SEWARD,
Secretary of State.

SIR: I have the honor to send herewith twelve* copies of the Map of North Western America, which has been prepared at this Office in conformity with your suggestion. Any number of copies which you may desire are at your disposal.

Yours, very respectfully,

J. E. HILGARD,
Assistant in Charge.

*Only 6 ready.

DEPARTMENT OF STATE,
Washington, April 18, 1867.

J. E. HILGARD, Esquire,
Assistant in Charge of the Coast Survey.

SIR: I have received your letter of this morning and the six maps accompanying it. I will thank you to cause one hundred of them to be printed for the use of this Department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

EXTRACTS FROM THE WORKS OF CHARLES SUMNER. BOSTON, LEE AND SHEPARD, 1877, VOL. XI.

Page 183: Note introductory to Mr. Sumner's speech in the United States Senate on the question of the acquisition of Alaska (or Russian America).

"Late in the evening of Friday, March 29, 1867, Mr. Sumner, on reaching home, found this note from Mr. Seward awaiting him: 'Can you come to my house this evening? I have a matter of public business in regard to which it is desirable that I should confer with you at once.' Without delay he hurried to the house of the Secretary of State, only to find that the latter had left for the Department. His son, the Assistant Secretary, was at home, and he was soon joined by Mr. de Stoeckl, the Russian Minister. From the two Mr. Sumner learned for the first time that a treaty was about to be signed for the cession of Russian America to the United States. With a map in his hand, the minister, who had just returned from St. Petersburg, explained the proposed boundary, according to verbal instructions from the Archduke Constantine. After a brief conversation, when Mr. Sumner inquired and listened without expressing any opinion, they left together, the Minister on his way to the Department, where the treaty was copying. The clock was striking midnight as they parted, the Minister saying with interest, 'You will not fail us.' The treaty was signed about four o'clock in the morning of March 30th, being the last day of the current session of Congress, and on the same day transmitted to the Senate and referred to the Committee on Foreign Relations."

[Extract from Mr. Sumner's speech in the Senate in support of the acquisition of Russian America: Works, vol. xi, p. 243; also 4 Fur Seal Arbitration, p. 295; Appendix to British Case, vol. i, p. 60.]

"Some of the best maps of this region are by Germans, who excel in maps. I mention an excellent one of the Aleutian Islands and the neighboring coasts, especially to illustrate their orography and geology, which will be found at the end of the volume of Transactions of the Imperial Mineralogical Society at St. Petersburg, to which I have already referred.

Late maps attest the tardiness of information. Here, for instance, is an excellent map of North America, purporting to be published by the Geographical Institute of Weimar, as late as 1859, in which we have the Yukon pictured, very much like the Niger, in Africa, as a large river meandering in the interior with no outlet to the sea. Here is also a Russian map of this very region as late as 1861, where the course of the Yukon is left in doubt. On other maps, as in the Physical Atlas of Keith Johnston, it is presented, under another name, entering into the Frozen Ocean. But the secret is penetrated at last. Recent discovery, by the enterprise of our citizens in the service of the Telegraph Company, fixes that this river is an affluent of the Kwichpak, as the Missouri is an affluent of the Mississippi, and enters into Behring Sea by many mouths, between the parallels of 62° and 63°.

After the death of Major Kennicott, a division of his party, with nothing but a skin boat, ascended the river to Fort Yukon, where it bifurcates, and descended it again to Nulato, thus establishing the entire course from its sources in the Rocky Mountains for a distance exceeding a thousand miles. I have before me now an outline map just prepared by our Coast Survey, where this correction is made. But this is only a harbinger of the maturer labors of our accomplished Bureau, when the coasts of this region are under the jurisdiction of the United States.

In closing this abstract of authorities, being the chief sources of original information, I can not forbear expressing my satisfaction that, with the exception of a single work, all these are found in the Congressional Library, now so happily enriched by the rare collection of the Smithsonian Institution."

Testimony secured in the year 1899 among the Chilkat Indians.

WAR DEPARTMENT,
Washington City, July 24, 1899.

Hon. JOHN HAY, *Secretary of State.*

SIR: I have the honor to report that, in accordance with the instructions of the Secretary of War, I proceeded to the head of Lynn Canal, Alaska, to obtain the information requested in your letter of the 31st of May last, addressed to the Secretary of War.

Sailing from Seattle, Wash., on the 24th of June, I landed at Skaguay, Alaska, on the 29th of June. The district court was in session there, and before it was pending a case in which the Indians at the head of Lynn Canal were interested. The court adjourned in a few minutes to take the steamer to Sitka, and with the consent of his honor, Judge Johnson, I secured the services of the court interpreter, Mr. George Kostrometinoff. With his aid I obtained that afternoon the testimony of three chiefs of the Chilcat tribe who were in attendance on the court in the case mentioned.

I then met the United States deputy marshal at Skaguay, Mr. J. M. Tanner, who kindly offered to assist in any way he could.

I gladly accepted his offer, and the next day he and my clerk, Mr. F. B. Bourn, left by a small steamer for Haines Mission. The wind was blowing a gale and a heavy sea was running. They sent out messengers from Haines Mission to the upper Chilcat village for the chiefs there to come into Skaguay, and returned late in the afternoon with several chiefs from the vicinity of Haines Mission. By Monday the 3d instant the chiefs of all of the Chilcat tribes had arrived at Skaguay, and on the 4th of July (Mr. Kostrometinoff having returned from Sitka, where he went with the court) I secured the testimony desired, and on the evening of that day sailed on the steamer *Queen* for Seattle, arriving there July 10.

I inclose the testimony of the chiefs and subchiefs, as follows: Koo-too-at, George Sha-trage, Jack Kitchk, Da-na-wak, Skin-ya, George Kah-oosh-tey, Yel-hak, Koow-tey-na-ah, David Ye-ka-sha, Yen-sheesh Johnson.

Also the affidavit of the court interpreter, Mr. George Kostrometinoff.

The Indians who testified are intelligent and understand the nature of an oath. Some of them understand English, but do not speak it well. It was necessary, therefore, to have an interpreter, so that they could testify in their own language. They had arranged to go into the interior of Alaska immediately upon the adjournment of the court, but consented to remain until their testimony could be taken in this matter. It was thus possible to obtain in a few days testimony which under ordinary circumstances might have required months to secure, as I was informed it is the custom of the Indians to go into the interior on trading expeditions at this season of the year.

Whatever measure of success has attended the obtaining of this testimony is due largely to Judge Charles S. Johnson, who permitted the court interpreter to aid me; to Mr. George Kostrometinoff, interpreter; to Mr. J. M. Tanner, deputy marshal, and to Mr. F. B. Bourn, clerk in the office of the Secretary of War, who rendered valuable assistance.

Very respectfully,

JOHN TWEEDALE,
Major, U. S. Army,
Assistant Chief Record and Pension Office.

TESTIMONY OF KOO-TOO-AT.

My name is Koo-too-at; I can not tell my age exactly, but I was about 2 feet high when Prince D. Maksootoff was here; he was the last Russian governor of this Territory. I am a native of Chilcat and live at Tlak-wan village. I am one of the head chiefs of the Chilcat tribe; there are three Chilcat chiefs—myself, George Sha-trage, and Yel-hak. When Kent-a-Kous died I took his place. Kent-a-Kous was appointed private of Indian police for the village on the Chilcat River by Governor Lyman E. Knapp on the 1st day of February, 1891. The chief before Kent-a-Kous was Sha-trage, father of George Sha-trage, one of the present chiefs of the Chilcat tribe. I remember the Russian occupation, and was quite a small boy when the Russians were here, and remember Prince Maksootoff. I know that the Russians used to live at Sitka; our fathers told us that they were Russian subjects, but we were young in those days and do [not] know much about it.

We know now that we are Americans. Our fathers told us that this was all Russian country and we were Russians.

I am about 42 years of age.

his
KOO TOO AT x
mark.

Witness:
GEORGE KOSTROMETINOFF.
F. B. BOURN.

Sworn to and subscribed before me at Skaguay, Territory of Alaska, this 29th day of June, A. D. 1899.

JOHN TWEEDALE,
Major, U. S. Army.

TESTIMONY OF GEORGE SHA-TRAGE.

My name is George Sha-trage; I think I am one year older than Koo-too-at; my mother told me I am one year older than Koo-too-at; I am one of the head chiefs of the Chilcat tribe; my home is Tlak-wan; I am the son of Sha-trage, who used to be head chief of the Chilcat tribe; I became chief about the same time as Koo-too-at; my father was the head chief of the Chilcat tribe before I was, and after his death four of us became chiefs of our tribe, one of them by the name of Kin-tagh-koosh, who died since. I have always lived in this vicinity and remember the Russian occupation and recognized the Russian authorities as the owners of this region. I have been down to Sitka twice with my father and have seen the Russian flag. We and our fathers and their fathers have always recognized the Russian authority and considered ourselves Russian subjects.

Our forefathers made the trail from Chilcat over the mountains to the Yukon, and every year we go on that trail to trade with the Indians in the interior for furs; have been using it for years. Last August I and Koo-too-at went there to go over the trail to trade with the Indians. We were stopped by Canadian policemen, and they wanted us to pay $30 for every $100 worth of goods. I refused to pay, and so did Koo-too-at, and we returned. Last February Koo-too-at went in the interior again. He was stopped by the Canadian policemen. They would not allow him to go any farther. He had 10 rifles with him for the purpose of selling them to the interior Indians for furs. After a great deal of talk Koo-too-at paid them $27.70 and went on.

his
GEORGE x SHA-TRAGE.
mark

Witnesses:
GEORGE KOSTROMETINOFF.
F. B. BOURN.

So much of this statement as relates to me is true.

his
KOO-TOO-AT x
mark

Witness:
GEORGE KOSTROMETINOFF.
F. B. BOURN.

Sworn to and subscribed before me by George Sha-trage and Koo-too-at at Skaguay, Territory of Alaska, this 29th day of June, A. D. 1899.

JOHN TWEEDALE,
Major, U. S. Army.

Koo-too-at further states that he was stopped by the Canadian police at the place called by the Indians Koo-tass-kee-koh, the place where the Canadian custom-house is located. They gave him a receipt for the money paid, but he has left it at the Upper Chilcat village.

KOO-TOO-AT his x mark.

Witness:
GEORGE KOSTROMETINOFF.
F. B. BOURN.

Sworn to and subscribed before me at Skaguay, Alaska, this 4th day of July, A. D. 1899.

JOHN TWEEDALE,
Major, U. S. Army.

TESTIMONY OF JACK KITCHK.

My name is Jack Kitchk; I am about 45 years of age; am a Chilkat Indian, and live at the village called Tlak-wan, known as the Upper Chilkat village. I am one of the chiefs of the Chilkat tribe; have two houses at that village. Have been chief about eight years—since Chief Sha-trage died, who was my uncle, and when he died I inherited his title according to the Thlinkit custom. The chief before Sha-trage was Ske-tle-kah. Have always lived at Tlak-wan, Chilkat. I remember the Russian occupation, and remember Prince D. Maksootoff, who was the last Russian governor of this territory; they always claimed to be the owners of this country, and we were the Russian subjects and recognized their authority. I was told by my ancestors that the Russians first settled at Wrangel and then at Sitka, and that they always claimed the Thlinkit country, which is southeastern Alaska, for many years. The Thlinkits can not give exact dates, but it covers a number of generations.

JACK his x mark KITCHK.

Witness:
GEORGE KOSTROMETINOFF.
F. B. BOURN.

Sworn to and subscribed before me at Skaguay, Territory of Alaska, this 29th day of June, A. D. 1899.

JOHN TWEEDALE,
Major, U. S. Army.

TESTIMONY OF DA-NA-WAK.

My name is Da-na-wak; I do not know my age, but I am a very old man, probably 75 years old. I am a Chilcat Indian, and live at the village called Yen-de-sta-key, near the mouth of Chilcat River. I am the head chief of that village. I have been head chief of that village for many years. The chiefs before me were Kee-Kee, Nah-hoo, and Too-tagh-tick; they all died a long time ago. Koo-tey-agh-too-tee

was the head chief of that village before the three chiefs mentioned. I remember the Russians, and they always claimed this portion of Alaska at the head of Lynn Canal as long as I can remember; they claimed way beyond the upper village called Tlak-wan, on the Chilcat River. I recognized the Russian authorities as the owners of this region and always considered myself a Russian subject, and have always recognized the Russians or the United States as the owners of this region for a long time—for more than sixty years.

his
DA NA WAK x
mark.

Witness:
GEORGE KOSTROMETINOFF.
F. B. BOURN.

Sworn to and subscribed before me at Skaguay, Alaska, this 4th day of July, A. D. 1899.

JOHN TWEEDALE,
Major, U. S. Army.

TESTIMONY OF SKIN-YA.

My name is Skin-ya. I do not know my age—I am over 50 years old. The name of my tribe is Chilcat. I live at the Haines Mission. I have always lived in this vicinity. I am one of the subchiefs of the Chilcat tribe, and when De-na-wak dies, who is now the head chief of the village Yen-de-sta-key, at the mouth of Chilcat River, and who is also the head chief of Dyea and Skaguay and Haines Mission, I will take his place. I have been for some time subchief. The subchief before me was Lou-nat; he is now dead; and the subchief before Lou-nat was Kee-Kee, who has been dead a long time. I remember the Russians. They claimed this portion of Alaska at the head of Lynn Canal. The Russian claim extended as far as the claim now made by the United States.

I recognized the Russians as the owners of this country and have always considered myself a Russian subject until the transfer to the United States. We and our fathers recognized the Russian authority over this country for a longer period than fifty years ago.

My ancestors lived between Dyea, Haines Mission, and Yen-de-sta-key. For many years they have made a trail from Dyea into the interior—a long time ago—and since the Americans have settled at Dyea, since the gold excitement, every time our people go into the interior to trade goods the Canadian police stop them and make them pay duty before they can go any farther. They have been doing this for about a year. It makes us all feel bad that we have to pay duty to the Canadian police, and I hope that the Big Chief at Washington will make them stop doing that.

his
SKIN-YA. x
mark.

Witnesses:
GEORGE KOSTROMETINOFF.
F. B. BOURN.

Sworn to and subscribed before me at Skaguay, Alaska, this 4th day of July, A. D. 1899.

JOHN TWEEDALE,
Major, U. S. Army.

TESTIMONY OF GEORGE KAH-OOSH-TEY.

My name is George Kah-oosh-tey; about 52 years old; I am a Chilcat Indian, and live in the village of Tlak-wan, on the Chilcat River. I was born and raised there. I have been chief since 1887.

Sha-trage was the chief before me; he is now dead. Shke-Hee-Kak was chief before Sha-trage; he has been dead many years. I have recollection of the Russians being here, and they have always had possession and claimed this country. We recognized the Russians as the owners of this country, and I always considered myself a Russian subject, and we now consider ourselves as belonging to the United States, and we have recognized the authority of the United States and of Russia for more than fifty years. I remember the Russians coming here many years ago and establishing a fort at a place called Pyramid Harbor, the present site of Murray's cannery, or, I should say, my father told me this, and that they surveyed the mouth of the Chilcat River as far as the summer village called Took-kab-koow, where the Chilcat tribe make hulecon oil in the spring.

his
GEORGE x KAH-OOSH-TEY.
mark.

Witnesses:
GEORGE KOSTROMETINOFF.
F. B. BOURN.

Sworn to and subscribed before me at Skaguay, Alaska, this 4th day of July, A. D. 1899.

JOHN TWEEDALE,
Major, U. S. Army.

TESTIMONY OF YEL-HAK.

My name is Yel-hak; I do not know my exact age, but I was born the same year as George Kah-oosh-tey, about fifty years ago. I am a Chilcat Indian—the name of my tribe is Chilcat. I live at the village called Tlak-wan, on the Chilcat River; I was born there and have always lived there; I am one of the Chilcat chiefs. I have been chief for many years; Shka oo-yel was the chief before me, and also Kootch; they are both dead; died a long time ago.

When I became chief my clan gave me the name of Kootch, the same name as the chief before me. I have recollection of the Russians here, and they claimed all of our country. I do not know exactly how far their claim extended, but way beyond the village of Tlak-wan.

We recognized the Russian authorities as the owners of this region, and considered ourselves Russian subjects. My ancestors had papers from the Russian governor and a silver medal from the Czar. When the chiefs died who were before me I inherited the papers and the silver medal, but lost them in going from Chilcat to Juneau when the canoe upset, about one year ago. I have always recognized the Russians or the United States as the owners of this region at the head of Lynn Canal. My mother told me, who is now a very old woman and still living at the upper Chilcat village, that when she was a small girl she had seen Russians come to this country.

Key-tee-tey-tchoow was also one of the chiefs in my family many years ago, and when the Russians first came here he was then the chief of my clan. The Russian chief presented him with a Russian flag and armor made out of brass. The chief present here, Kah-oosh-tey, is also a member of my clan. I think it was over one hundred years

ago when the flag and armor were presented to Key-tee-tey-tchoow. It makes us feel bad to have to pay duty when we go in the interior over the trail from Chilcat to the Yukon; this trail that we use now has been in existence many years, made by our tribe; we never paid the duties before; it is only within a year that the Canadian police make us pay duty.

his
YEL-HAK X
mark.

Witnesses:
GEORGE KOSTRAMETINOFF.
F. B. BOURN.

Sworn to and subscribed before me at Skaguay, Alaska, this 4th day of July, A. D. 1899.

JOHN TWEEDALE,
Major, U. S. Army.

TESTIMONY OF KOOW-TEY-NA-AH.

My name is Koow-tey-na-ah. I do not know my exact age, but I am over 50 years old. The name of my tribe is Chilcat, and live at the village called Tlak-wan, on the Chilcat River. I always lived there; was born and raised there. I am one of the chiefs of Chilcat tribe, and have been chief a long time. The chief before me was Kah-nal-tchetl. He is dead many years ago. The chief before him was Stoo-woo-kah. He is also dead a long time. I have recollection of the Russians being here, and they claimed this portion of Alaska long before the American possession, and the claim extended way beyond the village of Tlak-wan, as told me by my father. We recognized the Russians as the owners of this country, and I always considered myself a Russian subject, and my father told me he was for many years. We recognized the ownership of Russia for more than fifty years.

his
KOOW-TEY-NA-AH. X
mark.

Witnesses:
GEORGE KOSTROMETINOFF.
F. B. BOURN.

Sworn to and subscribed before me at Skaguay, Alaska, this 4th day of July, A. D. 1899.

JOHN TWEEDALE,
Major, U. S. Army.

TESTIMONY OF DAVID YE-KA-SHA.

My name is David Ye-ka-sha. I am 42 years old. The name of my tribe is Chilcat. I live in the village of Tlak-wan on Chilcat River. I always lived there. I am one of the chiefs of Chilcat tribe, and have been chief for a long time. The chief before me was Tak-tank, and the title and the property I inherited. He has been dead many years. The chief before Tak-tank was Kool-ye. He has been dead a long time. I remember the Russians being here. My parents also told me that they lived here for many years; they claimed this portion of Alaska. My father told me so. My father told me that they claimed way beyond the village of Tlak-wan. We recognized the Russian authorities as the owners of this region, and I considered myself a Russian subject. I was born under the Russian flag, and was in Sitka a good many times, where the Russian governor resided. I

have always recognized the Russians or the United States as the owners of this country for a great many years—for more than fifty years.

his
DAVID x YE-KA-SHA.
mark.

Witnesses:
GEORGE KOSTROMETINOFF.
F. B. BOURN.

Sworn to and subscribed before me at Skaguay, Alaska, this 4th day of July, A. D. 1899.

JOHN TWEEDALE,
Major, U. S. Army.

TESTIMONY OF YEN-SHEESH JOHNSON.

My name is Yen-Sheesh Johnson; I am about 35 years old; the name of my tribe is Chilcat; I live at the village of Tlak-wan, on Chilcat River; born and raised there. I am one of the subchiefs of Chilcat tribe. I have been subchief for six years. The subchief before me was Ska-oo-yel, who died six years ago; before him the subchief was Yan-te-ken-yel; he is dead many years. I personally have no recollection of the Russians being here, but my father told me that the Russians claimed this country way beyond the village of Tlak-wan. My father and my grandfather told me that the Russian authorities always claimed this region, and I was born under the Russian flag. I have always recognized the Russians or the United States as the owners of this region. My parents told me that the Russians had been here for more than one hundred years. It makes me and my clan feel bad that the Canadian police demand duty from us when we go into the interior for the purpose of trading; this demand has only been made during the past year. We have never paid any duties until within a year, and every Indian that goes into the interior with goods has to pay duty to them now.

his
YEN-SHEESH x JOHNSON
mark.

Witness:
GEORGE KOSTROMETINOFF.
F. B. BOURN.

Sworn to and subscribed before me at Skaguay, Alaska, this 4th day of July, A. D. 1899.

JOHN TWEEDALE,
Major, U. S. Army.

I, George Kostrometinoff, depose and say that I am the United States court interpreter for the district of Alaska; born and raised at Sitka, Alaska; 45 years old; am well acquainted with the natives of this region and personally know the headmen or chiefs of all the tribes at the head of Lynn Canal; that the ten chiefs and subchiefs who have testified on the 29th day of June and the 4th day of July, A. D. 1899, are all of the chiefs and subchiefs of the Indian tribes in this vicinity; that is, in the vicinity of Skaguay, Dyea, Chilcoot, Haines Mission, Pyramid Harbor, Yen-de-sta-key, and up as far as Tlak-wan, or the upper village of the Chilcat tribe, on the Chilcat River.

GEORGE KOSTROMETINOFF.

Sworn to and subscribed before me at Skaguay, Alaska, this 4th day of July, A. D. 1899.

JOHN TWEEDALE,
U. S. Army.

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